

~~3H~~  
DT  
513  
M66  
MAIN

47189

UC-NRLF



B 2 844 851







THE  
**Laws and Customs**  
OF  
**The Yoruba People**

Digitized by the Internet Archive  
in 2008 with funding from  
Microsoft Corporation

BY  
E. A. AJISAFÉ MOORE

**3/6d**

*PUBLISHED BY*  
M. A. OLA  
FOLA BOOKSHOPS,

P. O. Box 151,  
Abokuta, Nigeria

<http://www.archive.org/details/lawscustomsolyor00moorrich>

BERKELEY  
LIBRARY  
UNIVERSITY OF  
CALIFORNIA

4719  
THE

# Laws and Customs

OF

# The Yoruba People

BY

E. A. AJISAFÈ MOORE

PUBLISHED BY

M. A. ỌLA

FỌLA BOOKSHOPS,

P. O. Box 151,

Abeokuta, Nigeria

THE  
LOAN STACK

Laws and Customs

OF

The Yoruba People

BY  
A. J. H. H. H. H.

REVISED BY  
A. J. H. H. H.  
LONDON: H. K. LEYBURN,  
1, C. G. G. G.  
LONDON, 1910.



**Preface**

It was in 1906 that I began to collect material for an account of our native laws and customs. Then my attempt was concentrated on the laws and customs of my own tribe, the Egbas; later on I enlarged the scope of my investigations, and this work is the outcome. The difficulties and discouragement encountered may be imagined from the fact that within a single tribe alone certain rites and customs vary.

However, as the result of careful and determined efforts, I have been able to give in this book those laws and customs that are peculiar to Yoruba people in general. Some of the laws and customs herein are obsolete and impracticable, and some have been modified through the influence of Christianity and the British occupation and government.

Although I have tried by travel and inquiries to ensure accuracy, some discrepancies may still exist, and I shall be most grateful to any one who calls my attention to such discrepancies for adjustment in a subsequent edition.

Lagos.

**E. A. Ajisafe Moore**

# CONTENTS

CHAP.	PAGE
I. Relationship	1
II. The Bale	3
III. Guardianship	4
IV. Rights of Property	6
V. Government	17
VI. Kingship	21
VII. Titles	24
VIII. Free Labour	25
IX. Toll Tax and Tribute	26
X. Criminal Law	28
XI. Suicide, Bribery, etc.	32
XII. Cruelty to Animals	33
XIII. Provocation, Adultery etc.	35
XIV. Kirikiri	36
XV. Punishment	37
XVI. Tribunal	39
XVII. Ordeal is Practised	44
XVIII. Juju, Medicine and Divination	45
XIX. Society	48
XX. Marriage	51
XXI. Contracts	64
XXIA. Cattle Rearing, etc.	69
XXIB. Pawn System	70
XXII. Breach of Contract	73
XXIII. Funeral	79
XXIV. Widowhood	84
Supplement	86

## CHAPTER I

### RELATIONSHIP

A family is termed *Ẹbi* or *Idile*. The word *Ẹbi* means "One born with." This includes one's nearest relatives on both the paternal and the maternal side.

- 1 (a) *Idile* includes all ascendants and descendants in a wider sense than *Ẹbi*: a clan.
- (b) *Yekan* means "One mother," i.e. mother's relatives and children.
- (c) *Ọmọiya* ,, "Mother's children," brother or sister.
- (d) *Ọbakan* ,, "One father," i.e. father's relatives and children.
- (e) *Yekan and Ẹbi* form *Idile*.
- (f) 

Baba	means	Father.
Iya	,,	Mother.
Ọmọloju or Ọmọ-ọmọ	,,	Grandchild.
Ọmọlala	,,	Great-grand child.
Ọmọgene	,,	Great-great-grandchild.

There is no single word for brother, sister, aunt, uncle, nephew, cousin, niece.

- (g) *Ẹgbọn* means elder, *Aburo* means younger, and these words are common to both genders:

Uncle is expressed by *Ẹgbọn* or *Aburo* baba tabi Iya (lit. father's elder or younger brother or mother's elder or younger brother).

Aunt ,, *Ẹgbọn* or *Aburo* Iya tabi baba (lit. father's or mother's elder or younger sister).

Brother is expressed by *Egbon* or *aburo okunrin*.

Sister „ „ „ „ *Egbon* or *aburo obirin*.

- (h) The use of the word *Baba* is very wide. For instance: A Yoruba man or woman may call his or her uncle, or nephew, or elder cousin, or brother, or master, or head of the family or tribe *Baba*, i.e., father. The term *Iya* is also similarly use by the Yorubas.
- (i) Hence care must be taken to know the true relationship of a Yoruba man or woman. When a Yoruba man says *Baba t'o bi mi* he means his true father: *Iya t'o bi mi* also means one's true mother.
- (j)
- |                                |       |                 |
|--------------------------------|-------|-----------------|
| <i>Qga</i>                     | means | Master.         |
| <i>Oluko</i>                   | „     | Teacher.        |
| <i>Agbasomọ</i>                | „     | Adopted Child.  |
| <i>Ayanşe 'ya</i>              | „     | Adopted Mother. |
| <i>Ayanşe Baba</i>             | „     | Adopted Father. |
| <i>Oluto</i> or <i>Alabato</i> | „     | Guardian.       |

2 Relationship is reckoned through females: “*Idi iya li a pon si*,” one leans to his mother's side. The female side is stronger.

3 A slave who has lived for some time in his master's compound and behaved well is considered a member of the family.

## CHAPTER II

### THE BALE

1 Every bale (head of a compound house) is responsible to the authorities for the conduct of the inmates of his compound. He must be respected and obeyed by the inmates of his house. He must also be conversant with all the secrets in the compound.



He has power to judge and decide cases affecting his own inmates, provided such cases are not connected with an outsider or with the authorities. He may punish (flog, chain, whip, tie, demand damages, fine, put in the stocks, or imprison, should there be any prison in his compound) any of the inmate who are guilty of misconduct. He is also bound to protect and help his inmates against ill or unfair treatment.

2 When a bale dies, his successor, who may be his son, or brother, or cousin occupies his room or apartment after being formally inducted.

3 Should any one act contrary to the orders and instructions of the bale, the order-breaker may be ejected by him.

4 The first wife (called Iyale) of a bale is the recognized mistress of the compound house.

5 Every morning every member of a compound house shall pay his or her respects to his bale and the Iyale. If the inmate is a male, he prostrates himself (dɔbale); if the inmate is a woman, she kneels down (kunle) or lies on her right side (yinrinka).

### CHAPTER III GUARDIANSHIP

1 Guardianship exists quite distinct from the authority of the head of the family. In the case of an orphan who requires a guardian, the head of the family will appoint the nearest relative of the child on the mother's side. A male relative has the first claim. The head of the family has to see that proper care is taken of the ward by the guardian.

2 Duties and powers of the guardian:

- (a) To take care of the ward's person and landed property or anything inherited by him or to which he is entitled.
- (b) To provide for the proper maintenance and comfort of the ward from the proceeds of the

ward's property. After providing for the ward, the guardian is entitled to the remainder of the proceeds.

(c) Guardianship ceases when the ward claims his or her property. Should the wards claim their property before marriage, guardianship terminates at puberty with both males and females; otherwise, on marriage. But it is not considered correct for a ward to claim his property before he is in a position to look after it, nor will the guardian relinquish such property until the ward's relatives are of opinion that the ward is capable of acting for himself.

(d) The ward's house is occupied by the nearest relative of the father until it is claimed by the ward.

(e) In return for his care of and proving for the ward, the guardian is entitled to the use of the ward's land and the fruits accruing therefrom during the tenure of his guardianship.

3 There is no spinster in the country, every woman being married; consequently perpetual guardianship cannot exist, property being claimed by wards, either at puberty or on marriage.

4 Lunatics are in almost all cases placed in charge of native doctors, who pay the doctor for attendance and maintenance of the lunatic; some, however, are kept by their parents, who are responsible for their safe keeping as well as misbehaviour, such as theft or any damage done.

(a) Dangerous lunatics are placed in the care of the keeper of the prison, the parents providing for their maintenance.

(b) The property of lunatics is held and worked by the parents or the nearest relative on the mother's side, who have the entire use and the

fruits of the property, out of which they provide or pay for the maintenance of the lunatic.

- (c) Should a lunatic regain sanity, he can claim his property, but not any of the crops in cultivation at the time, nor any profit made on his property during the period of insanity.

## CHAPTER IV

### RIGHTS OF PROPERTY

1 Land, farms and houses are immovable property.

- (a) Palm trees, kola trees, cocoa trees, cocoa-nut trees, bread-fruit trees, rubber trees, coffee trees, and all fruit-bearing trees are live trees.

- (b) Maize (or corn), yams, koko, cassava, ground-nuts, egusi, beans, and all harvest reaping crops are catch crops.

- (c) Occro, greens, e.g., tete, osun, ogumo, gboro, ebolo, oyo, and all edible plants not possessing woody stems are herbs.

2 Goods, furniture, cattle, slaves, and wives are movable property.

3 All lands are owned by tribe, clan, family, government and individuals respectively.

- (a) Every tribe has its own portion of land, which comprises stool, communal, family or clan and individual lands.

- (b) Tribal land cannot be alienated to anyone belonging to another tribe, except with the knowledge and consent of the king or the chief of the people or tribe which possesses the land.

- (c) The king or chief has no power to alienate or take possession of any land, not being his own personal property, except with the consent and at the pleasure of its owner.



4 Every member of a clan or family is entitled to and enjoys the fruits derived from pieces of land apportioned to him, and he has individual rights over the said apportioned pieces of land during his lifetime.

But he cannot and must not sell such property, but must bequeath it to his children.

5 Every male member of a clan or family is entitled to enjoy the rights of occupation of, and the fruits accruing from, a certain portion of land inherited from his father, which is part of clan or family land. On his death the land becomes the property of his own children. But if he dies childless, it becomes the property of his nearest relatives on the mother's side.

6 An owner of a piece of land has full rights to everything in it. He may cultivate and plant anything in it when he wishes. He may cut down, burn, or destroy anything in it. He may dig or bore or fill it as he pleases, and nobody can use it without his authority.

7 Native law in its true meaning does not recognize the sale of land. But owing to the adoption of British law, private ownership of land not inherited but owned by purchase is now recognized, and such land may be bequeathed or disposed of at the discretion of the testator. But if the owner of such land die intestate, and was not married under Christian or English law, native law may be applied.

8 Every member of a family or clan has his own share of family land, which must be partitioned to him, if he so desire it. But it must be proved that he is capable of working it before such partition is made.

9 Females may hold land: also infants, who inherit land on the death of the father. But these lands are held in trust and worked for them by their guardians until the wards are old enough to claim and work them.



10 When a woman owning land is married to a man, whether of her own township or tribe or not, in no circumstances whatever can the husband become the owner of such a land: it is part and parcel the property of such woman, and when she dies her children inherit it.

11 Immovable property is inherited by the children and from the children to children's children, and so in perpetuity.

(a) If a female child is capable of holding some or the whole of the property of her father, her rights and title must be recognized and respected.

(b) If a child's mother is a slave or captive, the child inherits in great proportion to those children whose mothers are freeborn for the children of the freeborn have maternal sides to inherit from, while the child of a captive or slave wife has none.

(c) No movable property is inherited by the children. All movable property goes to the brothers and sisters of the deceased on the mother's side. But the children of a captive or slave wife (since they have no maternal side) are entitled to some portion of the movable property.

(d) On the death of a man his wives are by customary law inherited by the deceased's family on the mother's side; the first-born and some grown-up sons of the deceased also inherit some of their father's wives (expecting their own true mother) provided they, the wives, are numerous. (See Widowhood.)

12 An owner of land can pledge or pawn a portion or the whole of his land for debt. The pledger forfeits his rights until he redeems the said land. The pawnee has the right to use the land for planting

catch crops only, and to collect and enjoy all fruits as against the owner; but he should not and must not willingly cut down any live trees thereon or injure or play havoc with the property. He may, however, receive timber dues on all timber cut on the pawned land (such as timber cut in accordance with the Forestry Order in Council).

- (a) He also has the right of enjoyment and occupation and the fruits therefrom until the pawner redeems the said land within three years or any other longer period of time agree to by both parties at the outset, the pledger forfeits his rights and title for ever, while the pledgee becomes absolute and permanent owner.

13 An owner of land may give already cultivated land (called "Igboro", land left to fallow) to any one free for use without any consideration. The possessor has only the use of the ground for catch crops. He should not and must not plant any live trees on such land; infringement of the rule deprives the possessor of the use of the land.

- (a) The owner can at any time give notice to the possessor that he wishes to re-occupy his land after the standing crops have been reaped, when the possessor must evacuate.

14 If forest land (Egan), i.e. land hitherto uncultivated, is given for use, the possessor becomes absolute and permanent owner. It is immaterial whether the possessor belongs to the same tribe or clan or township or not. It belongs to him and his children in perpetuity.

15 Leasing of land is a foreign introduction. It was formerly unknown, but owing to the increasing value of land, the custom has been introduced. Land may be leased for a certain number of years, and as long and the rental is paid by the lessee, he cannot be ejected while the lease is in force.

16 An owner of house property, or of land in the

town, can give a portion of his land to another to build on. The house having been built, the occupant cannot be ejected unless he becomes a criminal (an outlaw).

- (a) Should the occupant allow the house to go to ruin and not vacate it, he cannot be ejected; but should he leave the house, and during his absence the house becomes an absolute ruin, the walls being broken down to the ground, the original owner or overlord should inform the tenant in person, or his representatives or relatives or friends, that the house is in ruins and must be repaired; and if the notice is ignored, then, and not till then, the owner or overlord can re-enter such land. This rule applies to all enclosed land given with the house-land (i.e. land on which the house stands), as long as the land is in use and the walls not level with the ground.
- (b) The tenant may sublet with or without rent, but cannot sell the property.

17 It is customary to give strange-farmers land on which to build farmhouses and to cultivate for their own benefit. No rent is paid by the stranger-farmer, but as a matter of courtesy and in token of gratitude, it is a general custom for the stranger-farmer to give occasional service to his overlord two or three times a year; but this is not compulsory.

- (a) The stranger-farmer cannot become the absolute owner of such farm-land. He cannot be ejected unless
  - 1 Having reaped his crops, he leaves the land for one whole year without first arranging with the overlord.
  - 2 He turns out to be an outlaw (i.e. found guilty of treason or larceny, or burglary, or of committing adultery with a wife of



the overlord or with any of the wives of the men living in the same village, or of any serious crime which, in the opinion of the courts, warrants his expulsion as an undesirable member of the society); for the overlord is in a measure responsible for his tenant.

18 On the death of the overlord, his son or relative cannot eject the stranger-farmer except in the above circumstances; but if the son has no land to work himself, he will ask that the land should be divided between them, to which the stranger-farmer is compelled to agree.

- (a) Should a stranger-farmer let the farm-land lie fallow for more than one year, the overlord has the right to refuse reoccupation to the stranger-farmer.
- (b) Should an "Igboro" farm-land be given (see Section 13), the occupant has no rights to the fruits of any live trees on such farm-land. He is only to cultivate the ground and must not look up for the fruits of the live trees; hence such farm-land when given is called Inawoke land (i.e. Don't-look-up land).
- (c) If forest land (Igbo Egan) is given to a stranger-farmer (see Section 14), he becomes absolute owner and is his own overlord. Should he, however, abandon the land and leave the country permanently, the original grantor has the right of re-entry.

19 It is customary to give strangers town-lands upon which to erect a house (a) in the overlord's compound, (b) on separate ground. In the case of a house erected in the overlord's compound, the stranger cannot be ejected unless for some criminal offence (see Section 17a, 2, with regard to farm-land), or unless the tenant allow the house to fall into absolute ruin (to the level of the ground).

(c) In the case where a soldier is allowed to build a house on a separate piece of ground and to form an independent compound he cannot be ejected, unless he be found guilty of a serious crime, when ejection is effected by the whole township in which the stranger resides. (This law has undergone change; for now the township makes complain to the police, who bring the stranger to the court, where, if found guilty of the offence with which he is charged, and not being considered a desirable inhabitant, he is convicted, and ejection follows and the land reverts to the overlord).

(d) The stranger is permitted to sub-let, with or without rent, and his tenant is subject to the same restrictions as his landlord.

(e) It was customary in the old days, when the tenant was found guilty of any of the above offences, to raze his house to the ground, thus giving the overlord the right of immediate re-entry. Houses were then built of mud walls with roofs of grass, mats, or leaves, but how that houses are more substantially built, with corrugated iron sheets and wooden framework, when the criminal is ejected from his house, his children, if they are of recognized good character, are allowed to take possession of their father's house; otherwise some reasonable amount is paid in compensation for the house-building, or the stranger criminal is allowed to transfer or sell the house-building to any one approved of by the overlord.

20 Rights of the nature of servitudes are recognized.

(a) Between farms there is a boundary path called Ala, which is public property and used by any man owning farms in the vicinity, in order to reach his own land. The term Ala also applies to an extra wide furrow through a piece of

land, which may be used by adjacent owners of land as a means of reaching their own farms.

(b) Right of way, where the owner of a piece of land has allowed a track to be worn through it without raising any objection. There is no limit as to the time necessary to create a servitude.

(c) When a man is unable to get to his property or farm from the public road without passing through another's farm or property, there is a servitude on the land next to the road, to allow right of way to the owner of the interior property.

(d) There is a servitude on every farm, which adjoins a stream or river used for drinking purposes by the general public; the owner of such farm may not cut down trees or clear to within 50 yards of the water's bank. This is to prevent the water running dry. The owner may plant bamboos there. This is called Oju Ipa, i.e. water bed.

(e) There is a right of way through every farm which adjoins a stream or river used by the general public for drinking purposes.

21 Certain lands and objects of property are regarded as belonging to the government and the villagers respectively.

(a) Forest-lands which were regarded as belonging to certain townships have been taken over by the government as forest reserves. These are called Igbo Airo (lands not to be cultivated). Lands on which are built kings' palaces, Ogoni lodges as well as sacred groves, e.g., Igba Oro, Igbo Eluku, Igbale Egungun, and fetish-houses are also common to townships.

(b) The sites of old town gates are the property of the kingdom and cannot be owned by private persons. The markets of the country and



their sites are also public property. Public buildings, bridges, culverts, drains, constructed roads, etc., are the property of the government.

(c) Churches and mosques belong to certain religious societies.

(d) Should the owner of a portion of farm-land start to build a village thereon, such farm-land becomes the common property of the villagers, and cannot be claimed by the original owner, who is called the *Bale* (lord of the village.)

(e) The dumping ground of the village, which is the fertile spot, is the common property of the village. Also wells and streams are common property, where the stream runs near or through the village or town, but outside it. The stream belongs to the owner of the farm through which the stream runs.

(f) No fishing rights are reserved, except that where floods completely cover personal land, the right of catching fish on that land is reserved to the owner. But amongst the Ibodos and aborigines of Lagos, shrimp-fishing is restricted. Certain chiefs of Lagos, by virtue of their traditional power and authority, divide the lagoon into sections, apportioning a section to each stool. The Ibodos also divide their river into sections, apportioning a section to each village.

22 Forests:—Forests are utilized by hunters

(i) for their game and

(ii) for reconnoitring purposes in time of war. They lurk in the forest to watch the movements of the enemy and apprise the chiefs of any impending danger.

(iii) Every male members of the tribe is free to procure from the forests building materials, medicinal roots and herbs, firewood, edible fruits, e.g. Oro. Afon, etc.

23 All children belong to the man's tribe, not the woman's. When a child is born, the facial mark of the tribe of the father must be cut on his or her cheeks, not his or her mother's tribal marks; and should a woman of her own accord infringe this law, her child becomes a non-member of the father's family and non-inheritor of the father's property.

24 Bequest of movable or immovable property promised or made by the deceased before his death are respected and carried out.

25 Goods and property are shared and distributed according to rank, title, or age, the highest or eldest taking the largest share proportionally.

26 Adopted children cannot inherit from the adoptive parent. This is repugnant to native law.

27 Under the old government a slave of good behaviour (see Regulationship, 3) could inherit, if he spent much money on behalf of the family, especially on funeral ceremonies, but now only blood relations can inherit.

### Sharing of Meat

1 The following is the system in force in the sharing of (cattle or fowl) meat in presents, etc. One hind leg goes to the father or anyone in place of the father, or father-in-law or mother-in-law of either side, or bale. One front leg (or wing, if a fowl) goes to one's own mother, any one in the place of a mother. The back belongs to the wife or wives; the head to the children; the neck to the butcher or killer of the cattle or fowl; the heart and liver or the gizzard to the owner of the meat, or the principal man of the feast or sacrifice (the guest of the day).



## GOVERNMENT

1 Every tribe has its own form of Government under the following general system.

2 The king is the paramount ruler. All other chiefs and lords and overlords are subordinated to him, and he rules and governs through them.

3 There are chief advisers to the king, who form the executive or privy council for the government of the country.

4 The towns and villages of the country are governed by the subordinated chiefs residing in or controlling their special town or village.

5 Each of the chiefs of the town or village is supported by the sub-chief, who with them forms the sub-council for the management of that town or village, makes the necessary by-laws, and decides all local matters.

6 Small villages or hamlets are under the protection of the nearest village or town of the same tribe.

7 Some towns acquired by conquest are tributary and subjected to the suzerainty or sovereignty of their master or king-conquerors.

8 The king's advisers, who are the council of the country, are each responsible for different parts of the country, including one or more of the towns or villages outside the capital.

9 The governing elements are:—

(1) The king.

Under him come the members of the royal family occupying or holding high positions.

(2) The statesmen.

These are responsible to the king for the

proper administration of the country in matters political, judicial, and commercial.

They are also responsible to the people for the conduct of the king. Hence they have power to depose any king who abuses his sovereignty in such a way as to menace the welfare and safety of the people and the country. In that case they will ask him to sleep (i.e. to die) and avoid disgrace, and should he refuse to sleep he is dethroned and sent away from the town.

The statesmen have power to select and install a new king. But there is a special class of people whose duty is to select the king as well as install him.

No selection or installation is valid without these authorized persons.

During an interregnum the statesmen are responsible for the proper government of the country; the paramount chief acting as the president of the council until a new king is installed.

### **The Military or Warmen**

It is to every Yoruba man an honour and glory to fight in defence of hearth and home and the country which gave him birth. Hence it is not necessary for the native government to raise a salaried army.

The war chiefs with the hunters protect the country and defend it in time of war. When there is war, every young man rallies round his captain, who is also subordinate to the chief of the war staff.

The captain shall supply his warriors with gunpowder. He may also supply them with guns or any other weapon of war. Should a captain fail to supply his warriors with gunpowder he stands the chance of

losing his warriors, who are quite free to choose a new captain.

The chief of the war staff shall supply each captain under him with ammunition and gunpowder, etc., failing which he shall not be entitled to any of the booty which the captains may gain should the war prove favourable. But the warriors directly under the chief of the war staff are bound to deliver to him their own booty, from which he makes his own choice and gives back the rest to the respective owners.

If the war prove favourable and much booty is gained (in goods, cattle and slaves), the warrior captor shall share the spoil with the captain who supplied him with powder and ammunition or the weapons of war with which he fought.

Should the war be waged and fought on the order of the kings, and the result be favourable, the spoil shall be presented to the king, who shall take a certain portion of it, leaving the rest to the war chiefs and his warriors.

The king shall supply his war chiefs with amunitions and all weapons of war at his disposal.

There is another class of people whose business is to consult the country's oracle every fifth day, and to offer sacrifice for the peace and prosperity of the people at large.

- (a) The Onimole or Aboṛe (the high priest). He is the only person exempted from prostrating himself before the king.
- (b) The Babalawo or Adahunṣe, consulter of the country's oracle or chief diviner.
- (c) The Oniṣegun or Oḷosanyin, the medical or jujuman.

With the management of the government a woman with at least six supporters is allowed. The title of the woman is Iyalode. She represents the women of the country, whose voices are heard and their feelings



made known through her. She at times goes to war as a war captain with her own warriors under her.

Should there be a war and some able-bodied men keep themselves in their farms and villages, while reinforcement is urgently needed, the war chief shall send a detachment of forces under a captain to such farms and villages with sealed orders that the crops etc., on the farms of such able-bodied men shall be plundered. This serves as a preliminary warning to the men to come to the camp, or they will be severely flogged and roughly handled later on.

## CHAPTER VI.

### KINGSHIP

1 A king has power to declare war and even send and commission any of his military subjects to wage war against a certain town or tribe. But if the mission is not successful, i.e. if the king's subjects are defeated, the king should die before the defeated army returns home.

2 When war is declared, or about to be declared, a proclamation is made by a town crier (bell-ringer) on the order of the king, warning any of the hostile tribe to vacate the town within a limited period. Any one who does not do so becomes a prisoner of war.

3 A none-hostile town may join either of the two hostile ones, thus making itself an enemy of the opposing one.

4 A stranger or foreigner who has already naturalized himself or herself in the hostile town is not made a prisoner of war, unless he or she acts in hostility to his or her place of adoption.

5 Women and children are war captives only if they prove hostile, and are in possession of dangerous weapons; if they use or intend to use the same they are treated as enemies.

6 Embassy between two hostile tribes, countries, or governments is permissible in native law and the ambassador's safety is assured; but he must not act as a spy or in a hostile way, so as to menace the position of an ambassador or the welfare of the opposing country. He is, if he does so, sent away in disgrace and with serious warning.

7 A king has power to depose any chief, or arrest and punish any offender, or order the execution or expulsion of any rebel. He also has power to enact, repeal, or withdraw, or cancel any law, and to pardon and release any prisoner.

8 Should a fugitive from justice or an oppressed slave or wife seek refuge with him, he shall first give shelter pending investigation of the case and unless he hands over the fugitive, whatever his crime may be, the fugitive is quite safe, though he may be going out and coming into the palace. In case of an oppressed slave or wife, he may deprive a cruel master of him or her or hand him or her back to the master with serious warning.

9 Under the old government a king was not allowed to see the corpse of a human being, and should any one carry a corpse past the king's quarters, he was liable to a heavy fine.

(a) Wearing of socks, otherwise than by Egungun or the use of an umbrella otherwise than by the authorized chief, or the unfolding of the same when passing the king's quarters, is repugnant to native law. The offender was liable to punishment with a heavy fine, or imprisonment or death.

(b) To take hold or carry a new yam past the king's quarters, when the ceremony for eating the new yam has not been performed, is an offence punishable with a heavy fine.

10 No one is allowed to use the Gbedu Drum save the king. The offender is arrested for sedition.

11 When a law is about to be enforced the king or his authorized chief shall send a town crier (a bell-ringer) to proclaim the same. The town crier shall go to every corner of the town, proclaiming and declaring the same in the hearing of the public.

This done, the law is enforced.

12 A king should not appear in public more than three times a year. Each time in connexion with an important festival of the country or tribe.

13 No wife of a king (called Olori) shall use any head-tie or gear. She must leave her head uncovered at all times, going in and coming out of the palace. King's wives have a peculiar way of plaiting their hair by which they are known. In no circumstances whatever shall they be given admittance into any house other than the palace, and each of them has her own apartment in the harem. Their male attendants are men castrated on the king's order. Woe betide a man who attempts to make an acquaintance of Olori and is caught.

## CHAPTER VII

### TITLES

Almost all the titles of the Yoruba people are won by merit. But certain titles are attached specially to a special family or rank of people respectively, e.g.

The title of king belongs to the house of the royal family and not to the eldest son of reigning king only.

To every title is attached its special duties and privileges and powers, which must not be neglected or abused by the holder of such a title. Should any one holding a title neglect to do his duty as becoming the holder of such office and title, or should he abuse



the said office and title, he is liable to a heavy fine with or without deprivation of the title; or should it be a capital offence, his house may be razed to the ground and himself expelled from the country during the king's pleasure, or he may be executed.

## CHAPTER VIII

### FREE LABOUR

Free labour exists for

- (1) Repairing and constructing roads.
- (2) Rebuilding or repairing public houses.
- (3) Clearing sacred groves.

Free labour is compulsory when one is interested or particularly concerned in it.

Any one who wilfully and unreasonably avoids or fails to or refuses to do his share shall be fined according to the nature of the case.

A man may employ a substitute and the substitute shall be taken as the man himself.

The employer is of course responsible to the substitute for the cost of his labour.

Free labour generally lasts one or two days at a time, but it should not be more than 9 days, with an interval of not less than 3 months.

During free labour hours the people responsible for the arrangement shall supply the free workmen with food and drink.

## CHAPTER IX

### TOLL TAX AND TRIBUTE

At every town's gate one or two toll-collectors are placed.

These reside permanently there. They have charge of the gate, the doors of which they open early in the morning or close almost immediately after sunset (particularly in time of war). To a freeborn, it is *infra dig.* to be a toll-collector; it is the work of slaves. To a chief of the town is allotted the control and supervision of one or two of the town gates. The toll-collectors are appointed and located by the controlling chief, who is responsible to the king for the proper management as well as the safety of the gate. The toll-collector is directly responsible to his controlling chief and master. Hence the business of toll-collectors includes that of a town gate keeper. (1)

Any one who fails or refuses to pay his toll-fee or attempts to smuggle shall, if caught, pay a heavy fine with or without the forfeiture of the goods. Fines may be imposed and collected by the toll-collector; also the forfeiture may be determined and carried out by him. But this shall be immediately reported or delivered to the controlling chief.

Tolls may be received in money, goods, or cattle.

A toll-collector must not be interrupted, disturbed or insulted, or assaulted in the execution of his duty. The offender is liable to a heavy fine or imprisonment or both.

A toll-collector has the right to open and examine any luggage; he may also seize any prohibited articles or goods suspected to have been stolen. He has the right to detain any one suspected to be a fugitive, escaped prisoner, or spy. He shall report such detention to his chief, who will make a proper inquiry and close investigation of the person detained and act on the information received.

Should a cock in transit crow at the town gate it is seized and confiscated by the toll-collector, the owner paying in addition to this the sum of 1/1d. Both the cock and the fee belong solely to the collector.



Taxes are collected:—

- (1) In case of drought or epidemic raging in the town, or any threatened calamity.

The occult men or Babalawo's, on consulting the oracle, shall, according to the divination, fix what amount every individual member must pay to make sacrifice to check and ward off the evil. In such cases a tax-gatherer is appointed who visits every head of a house, who also collects from his inmates and pays the amount collected to the tax-gatherer. Such tax may be from 1 to 21 cowries per head and not more.

A tax-gatherer may be a well-known individual or Eggun.

- (2) Tributes.

Some towns acquired by conquest are tributary to their master conquerors.

When a stranger cattle trader enters a town and is given shelter by a house or land owner, he pays tribute to his landlord at the rate of 3d. on every sheep or goat and 1/- on every cow and 10/- on every horse brought by him and sold while he is the lodger and dependent of the said landlord.

In Lagos and other places, the shrimp-fishers pay each an annual tribute of 20 fishing sticks and 20 fishing baskets, equivalent to 5/-, to the chief who owned the water. The Lagos chiefs, the landowners (e.g. Olofo, Ojora, Oluwa, etc.) each receive an annual tribute of 5/- per head from any one who takes and settles on his land for farming purposes.

## CHAPTER X

### CRIMINAL LAW

The Yoruba people have a distinct idea of the moral and natural law, and classify their crimes into sections.

1 Witchcraft, sorcery and administering poison are punishable by death.

2 Larceny, burglary, and stealing are also punishable by death or the culprit is deported by being sold into slavery.

- (a) It is also immaterial if the stolen property is found in the possession of the accused or not. The mere identification by the witness is quite sufficient to condemn him.
- (b) It is again immaterial whether the crime has been committed or not. The mere attempt, if proved, is quite sufficient to condemn the culprit.

3 Should a native doctor administer some medicinal mixture which causes the death of the patient, the doctor is responsible for the fatality. It matters not whether it is by accident or not.

4 Should a freeborn man murder a slave, the murderer must pay adequate money or two more slaves in compensation to the owner of the slave murdered. But if it is the master who kills his own slave, no crime is committed.

5 Incest is a crime. The parties concerned are compelled to offer sacrifice to appease the wrath of the gods of the family and are seriously warned against a repetition of such an abominable act. But the offspring is legitimate and can inherit the father's property, in the same manner as the other children of the father. Repetition of this may cause the emasculation of the man in question, or his expulsion from the family by selling him into slavery.

6 False accusation is a crime. The penalty is equal to the penalty which would have been inflicted on the accused if the crime had been proved conclusively against him.

Should a child be guilty of pilfering, flogging is first used, to whip out the crime from the child. If this is not effective, severer methods are adopted, lancing the back of the child's right hand or its face and rubbing well-ground pepper into the place lanced. If this fails, the child is then sold into slavery.

7 Highway robbery is a crime, but making raids on the enemy in time of war is not. The penalty is execution.

8 Should a woman pretend to know, or if it is proved that she knows the secret of Oro, Egungun, Eluku, or is caught or found entering any sacred grove not allowed to be entered by woman, if found guilty she is executed and her body concealed in the grove.

9 Swearing at or pronouncing a curse and imprecation on another man or woman is a crime. The curser is heavily fined, and should any evil befall the party cursed within 12 months or any other limited period, the curser is responsible for the same.

10 Treason and sedition are capital offences, the penalty is death, ejection, or deportation. The offender's property is confiscated. His children may be fined or expelled or sold out of the country.

11 Escape is a crime punishable with a heavy fine, according to the nature of the crime committed.

12 Abduction is a crime. The penalty is a heavy fine, according to the nature of crime.

13 Manslaughter is a crime.

14 Misappropriation of money or goods is a crime.

15 Smuggling (see Toll).

16 Secret exportation and importation in time of blockade is a crime. The goods are confiscated and a heavy fine imposed.



17 Stealing a freeborn man or slave is a crime the offender is heavily fined, or imprisoned, or expelled from the town, or executed.

18 Piracy is a crime, punishable with execution or a long term of imprisonment.

19 Arson is a crime. The culprit, if caught on the spot, is thrown into the fire.

**Note:**—It is customary to set fire to the house of an offender in retaliation, particularly when a man commits adultery with or abducts the wife of the offended. But the offender must evade being caught on the spot. It is not necessary to identify him afterwards.

20 Blackmailing is a crime punishable with fine or imprisonment or both.

21 Conspiracy to murder or steal is a capital offence. The conspirators, if caught, are liable to flogging and heavy fines, and are bound over to protect the life and property of the objects of their conspiracy. They are at any time responsible should any harm come to the person conspired against.

22 Receiving stolen property as a present or gift, when the man is not capable of giving such a gift is criminal. The offender is liable to a heavy fine or imprisonment or both. He is also liable to be executed.

23 If any one makes charms and jujus for thieves, robbers, or burglars, or instructs some one to rob or steal for him, or knowingly harbours and shelters a thief, or burglar in his own house or under his own control, it is a capital offence. The offender is liable to the loss of his life.

24 No woman must whistle. A woman who does so is regarded by the natives to be a witch and the law is, "Thou shalt not suffer a witch to live."

25 On the lagoon women are not allowed to ply a canoe. The penalty is death.

26 In many places women are forbidden to climb to the top of the ceiling of a house. This may cause the death of the woman. The reason is that the Egungun clothes and Oro are kept there. Hence the law in order to prevent women from knowing the secret.

## CHAPTER XI

### SUICIDE, BRIBERY, ETC.

1 When a man finds life burdensome, disgraceful, and perilous to him, and consequently commits suicide he is given great credit and honour. But when out of shame for a mean act he commits suicide, his corpse is considered abominable and cast into the bush unburied.

(a) Should a man or woman be provoked to commit suicide the provoker is held responsible for the same. The penalty is a very heavy fine to be paid to the family of the victim or forfeiture of the provoker's life. The corpse of the suicide is not buried, but is removed to the house of the provoker till the judgement shall have been satisfied; then the corpse is taken over by the family, who bury it according to the rites and ceremonies for the burial of suicides.

**Bribery:**—Receiving or offering bribes in order to pervert the judgement of the law is criminal. The offender is liable to a heavy fine or imprisonment or both.

2 Interrupting witnesses when giving evidence, or any attempt to induce or corrupt a witness to make false statements renders the offender liable to a heavy fine and loss of his case with or without imprisonment.

3 Should a man steal foodstuff or crops from a farm, and it is proved that the crime is committed from starvation or privation not of his own cause, he

is not punished. In such a case an arrangement is made for the support of the unfortunate man, by providing work for him, etc.

4 Should a new law be passed and some one unknowingly infringes it, if it is proved that he does not know of the enactment of the law, he may be reprimanded or discharged, or leniently dealt with.

## CHAPTER XII

### CRUELTY TO ANIMALS

1 Cruelty to animals belonging to another person renders the offender liable to payment of a heavy amount in compensation to the owner, in addition to the fine which goes to the chiefs.

(a) Should the animal die and it is proved that the act was uncalled for, if the animal is a female, the offender is responsible for the cost of all the issues which she may have produced during her lifetime, with the cost of the mother animal herself as well as the fine. The current price of the animal is taken as the basis of the calculation.

2 When an animal becomes offensive to a neighbour by entering the neighbour's premises, yard, or farm, and doing harm to the said neighbour's property or goods, the neighbour, if he knows the owner of the said animal, shall report to him the action of his animal, warning him in the presence of two or more witnesses to tie down the said animal. He is also entitled to the cost of damage done by the animal. Should the owner slight or neglect the warning, or is indifferent, or careless in taking steps to protect the neighbour against the animal, then the neighbour is quite free to wound, beat, maim, or kill such an animal. The owner has no claim against him. Any damage done by such an animal to any animal belonging to the neighbour after the neighbour has warned the owner as aforementioned, entitles the neighbour to a claim for damages (see 1a).



3 A man who owns a farm or vegetable garden near the village where poultry and cattle abound is required to make a strong fence round his crops. Otherwise he is not entitled to any claim and is liable to prosecution should he treat the intruding cattle with cruelty.

4 When in a village it is felt that the keeping of certain cattle or fowl will do more harm than good (e.g., when the farms are very near the village), the keeping and rearing of such cattle or fowl is forbidden, and should any one take the risk of setting aside the law of such a village by keeping and rearing the forbidden cattle or fowl, he shall be responsible for any damage done by such cattle or fowl. Also the killing or destroying of such cattle or fowl is legally permitted.

### CHAPTER XIII

#### PROVOCATION, ADULTERY, ETC.

If some one is wronged, and he takes the responsibility of retaliation without complaining to the head or the authorities as the case may be, he is punished with a fine or imprisonment or execution, should the retaliation involve loss of life. In all cases his right becomes wrong, and he cannot institute a claim, should he have any, against his opponent.

Exceptions:—It is permissible (a) to cut, wound, maim or even kill a thief or burglar, who enters another's premises at night, or is running away with his goods, and refuses to give them up or surrender when warned to do so.

- (b) To beat, flog, or wound a man found committing adultery or attempting to entice one's own wife or the wife of one's own relative or intimate friend to commit adultery. It is immaterial whether the man is acting on his own behalf or on behalf of others.

- (c) In the case of any act of provocation, violence, or oppression, such as justifies or necessitates immediate retaliation. Adultery is a crime in which both the man and the woman are liable to severe punishment. The woman shall be punished by her husband, conjointly with her parents, the man by the judicial authorities. But if the woman is forced against her will and immediately after the incident makes a complaint to her husband or relatives she is free from punishment. Any man who commits adultery with the wife of another, is liable to a heavy fine with flogging (see Incest).

## CHAPTER XIV

### KIRIKIRI

There is a peculiar custom amongst the natives of Yoruba, called kirikiri:

When a king or chief or a powerful or notable man of the country is no more wanted by the people, i.e., when they are tired of him because of his evil ways and his mischievous and tyrannical actions, a mob parades through the country or town, singing vituperative songs and loudly abusing the man, and when they get to his quarters they throw sand and stones into his palace or house, to show that he is no more wanted in the country. Such a parade usually takes place in the night and may continue for three successive months. Within the expiration of three months the man concerned must try to reconcile or vacate the country, or commit suicide, when he is given a decent and honourable burial according to his rank and title. Should he ignore or slight kirikiri (by depending upon his power and might for the defence of his body and property) a select body of masked and powerful men shall suddenly rush into his house one night and kill him. If the party is not a king, then his house is razed to the ground, and all his inmates are seized as political prisoners. Should any one of them resist,



he is killed outright. The inmates seized may be sold into slavery, or asked to pay a certain amount per head to regain their freedom. His goods are confiscated. Hence in order to save them and the household, he usually quits the town or commits suicide.

Sometimes again, the inmates, particularly the children of the man concerned, in order to save their own lives and property and gain the favour of the public, put him to death.

## CHAPTER XV

### PUNISHMENT

1 Punishment may consist of flogging, whipping, beating, tying, chaining, putting in the yoke or stocks, lacerating wounds, imprisonment, execution, ejection or banishment, razing the house of the offender to the ground, castration or emasculation, selling into slavery, and fines of various kinds.

2 Tying—The arms are closely drawn together behind the back, by means of a cord tied tightly round them just between the shoulders and the elbows. Male thieves and adulterers are specially so tied. Women adulteresses who do not like to disclose the name of their violator, are also treated thus, to compel them to do so.

3 The punishment of death is inflicted by

- (a) Decapitation. The executioner receives 22,000 cowries (about 7d.) for his work. In most cases the head is nailed to a tree in a conspicuous place to serve as a warning to others.
- (b) Stunning. The corpse, if a male, is exposed to the public immediately after. If a female, it is thrown into the bush. Sometimes, to avoid scandal and the lasting disgrace of the family of the condemned, some

one is paid a sum of money to prevent the public exposure of the corpse. In that case the corpse is privately deposited in the bush or buried, while the public is given to understand that the culprit miraculously escaped.

(c) Kings, nobles and chiefs, when condemned, are offered poison in their own house or at a special meeting held by only a few important chiefs. The culprit after taken it is allowed to go home to die. In most cases death used to take place within two hours after taking the poison.

4 Every king, or chief or head of a village or compound is supposed to have his own place of restraint, which chains, shackles, handcuffs, and staples to match. Each crime has its punishment according to the damage done to (god) Imale, king, chief, or parents. Punishment is reckoned as payment to satisfy the injured party.

5 In all cases payment in cloth, money, cattle, or goods is first demanded. One is bound to pay; it matters not if the culprit is going to be executed later on or not.

6 A condemned man may escape the death penalty by spending lavishly, or a slave may be substituted (cases of stealing, sedition, spying, etc., exempted).

## CHAPTER XVI

### TRIBUNAL

1 Cases may be heard and decided anywhere, from the lowest bush shed to the king's court, and that any time (day or night).

2 In the case of petty family troubles, the head of the family supported by his friends hears and decides the case. If either of the two parties is not

satisfied with the decision, the case is brought before the head of the district or town, supported by his friends and colleagues. Should there be no satisfactory decision again, then it is finally taken before the king in council.

3 A man or woman, if he or she is not interested, may first be called to give his or her opinion (i.e., a preliminary judgement of the case) there and then in the presence of the two contending parties. After this every one who sits as supporters to the judge is free to state his opinion, or give his verdict, which in most cases is confirmed by the head, provided the supporters are unanimous.

(a) If the supporters are not unanimous in their opinions and findings, the head who is the judge reserves to himself the rights of judgement on fair, reasonable, and impartial terms. It matters not whether the decision is in favour of or against the majority. But such a case is very rare.

(b) When a man has a complaint against another man, he goes to the head or authorized person, and according to his status or the nature of the complaint pays a certain amount as summons fee, which is distributed between the head and his supporters. A messenger (with the staff of the king or chief, if it is a case for the town chief, or merely a messenger, if it is a case for the sub-chief, e.g., the village chief or head of the clan or family) is sent to apprise the defendant of the summons, or arrest the accused, as the case may be. The messenger is not sent direct to the defendant or the accused, but to the head of the house, or family or quarters to which the defendant or the accused belongs. If it is a civil case, the defendant pays also to the chief the hearing fee, which must be equal in amount to the summon fee paid by the complainant. It may be more than that, but it must not be less. This done, the date and



time of hearing are fixed by the chief and his supporters and notice given to the parties concerned.

(c) The messenger is entitled to a certain amount for his service, which must be paid by both the complainant and the accused. There may be more than one messenger.

4 If it is a case connected with a secret society, or if there is reason to believe that the presence of women will hamper or prevent an amicable settlement, they are seriously warned not to attend the court. Such a case used to be heard in the sacred grove or lodge room, or an isolated place where the presence of women is practically impossible. Infringement of this law by any inquisitive woman may be punished by death.

5 It is not necessary or compulsory for any one, be he or she plaintiff or defendant, complainant or accused, or witness, to swear before going to make a statement.

6 In all cases the complainant takes precedence in stating a case. He must not be interrupted while on his knees (natives kneel down in making a statement, but a person of high rank or one held in great respect may be allowed to sit while doing so, but he should prostrate himself or kneel down as a compliment or token of respect to the judge and his associates, first of all and before sitting down).

(a) The defendant or accused or the judge may or may not cross-examine the plaintiff, but they are quite free to do so.

Immediately after the plaintiff, or complainant the accused is heard, who also must not be interrupted while making a statement in defence.

The plaintiff or complainant, after hearing the accused's statement, is quite free to add more to his statement in further explanation of the



same. The accused is also free to put in a rejoinder after the plaintiff's further explanation. This may continue as often as the judges think necessary, but in most cases the parties are limited to three times each.

- (d) Witnesses of both parties are admissible only after, and not between, both the complainant and the accused. It matters not whose witnesses come first or second or last.
- (e) During the process, the witnesses may be allowed to sit in the court. They are not isolated. The native dreads lying before the chiefs who are supposed to be the representatives of the gods, and because he may be called afterwards to swear on the juju, or undergo ordeal to convince them of his veracity, which process he will never attempt unless with a clear conscience.

7 In all cases (excepting a case of murder, which is life for life) decisions are given to effect a reconciliation mutual co-operation, and unity.

8 When a case is settled, kola nuts are brought by both parties, split, and distributed amongst the important persons present. One part (awe) is given to the contending parties, who take and eat it together in the presence of the presentees: after this a glass of water, or wine, or gin is given to both. The older in age or rank first drinks half and passes the remainder to the younger, who drinks it from the same glass in the presence of all. The guilty man is ordered to make a befitting apology to the wronged in the first instance.

- (a) Should a man be fined, the fine goes to the chiefs, who shares it amongst themselves. But if the fine is damaged for wrong done (as in the case of adultery, etc.) the wronged man is entitled to it, but should give at least 2½% of the amount to the headchief.

- (b) On payment of damage, one kola nut is brought forth and spilt into two, and the guilty man takes the half which is handed over to him by the person wronged. This sets a seal to the settlement of the case. The offender keeps the kola in perpetual remembrance of, and a witness to, the permanent and full settlement of the claim, should the question arise in future.
- (c) But if kola nut or drink is refused by either or both parties, the case is regarded as unsettled. It may be forwarded to the higher court, or if it is the highest court (the occurrence of which is very rare), it is open to resuscitation or review. During the interval the two contending parties are free to challenge each other, unless strictly forbidden by the chiefs. In that case the offender is not encouraged or supported. He takes the risk and is responsible to the authorities for any further damage done or loss of life of his opponent.

9. During the sitting of the court, order must be maintained. Any one who disturbs or interrupts the court shall be held up for contempt of court.

- (a) At the opening of the court, an officer of the court will declare the court, open thus :—  
 Ka gbhun, Atoto o, Arere o, Ki oniko pa ikọ re mọ, K'abiyamọ toju omọ re, Ki elenu pa enu re mọ, Okun aiye ja, Okun orẹ meji ja, Okun ebi ja, awon agbagba fe tun so, enikeni to ba di won lowo, awon agba yio je e niya (i.e., Be civil, be quiet, be dumb, let the cougher conceal his (or refrain from) coughing; let women with babes take care of their babes (keep them from crying); let everybody close his mouth. The cord that binds humanity is broken; the cord which ties friendship is cut; the cord of family and relatives is also broken; the big men now want to tie up the broken cords; and if any one disturbs them in this work of re-organization, such disturber shall be seriously dealt with).

- (b) Anyone who disturbs is held up for contempt of court. He may be fined, or driven or pushed out of court in disgrace, or flogged or imprisoned.

## CHAPTER XVII

### ORDEAL IS PRACTISED

When one of the parties fears that his opponent is taking advantage of his unfortunate condition.

When judicial proceedings have not been successful in clearing up the matter.

When robbery has been committed and the culprit cannot be detected by ordinary means.

When one is suspected of practising witchcraft.

When any one's death is suspected to be due to the foul play of a person or persons unknown.

When the secret of a society or kingdom or state is being revealed to an unauthorized person in a hostile state and the traitor is unknown.

In cases where the ordeal is performed by an adept ordeal man the culprit is detected.

NOTE:—The art of this is kept a profound secret by the professors. It should not be regarded as guess-work. It is a direct scientific method and is the only method known for quelling crimes and saving innocent persons from false accusation and malicious imprisonment. But unfortunately it has assisted felony, the very offence which it is its duty to quell and suppress. Had its abuses been reformed, it would have helped the judicial department not a little. Quite recently Dr. Augustus Walker, F.R.S., of London University, invented a machine to detect lies. It is to some extent an ordeal. There are those who seem to know about the native ordeal. Those are



spurious ordeal men and they do great harm. If put to the test they may be detected. Patience and careful study only can help to prove the true native mind and science.

## CHAPTER XVIII

### JUJU, MEDICINE, AND DIVINATION

1 There are three ways of learning the two first of the above:—

- (a) From an expert practitioner.
- (b) Through a vision or dreams.
- (c) From a whirlwind called aja

2 When a man wishes to be instructed in the art of making juju, or medicine, he submits himself as apprentice learner to an expert practitioner and becomes his servant. But in 99 cases out of every 100 the master has not given free, honest and unselfish tuition to the apprentice. Hence most of the native medicines nowadays are ineffective and spurious. Knowledge of the prescription of good medicine has disappeared with their masters. Had the natives been more liberal-minded we should have found and seen that native remedies for curing disease show skill of no mean order.

- (a) When a man has proved that a medical man is an adept or specialist in a certain disease, he may secure and obtain the prescription from the specialist (should he feel inclined to give it him) by paying whatever the specialist demands. This payment is called Obi Osanyin, juju or medicine kola.

3 When a man dreams of being told that such and such roots and leaves are a cure for such and such a disease, he takes the prescription as a special gift and instruction from the genii. Such prescriptions are strictly kept as precious treasures and are seldom imparted. They are very efficacious.



4 It is said that the whirlwind aja used to carry men away with it into the bush for one year or more. During this period the man thus carried away is fed and taught the art of making juju and prescriptions of various kinds by a supernatural being. When the man is discharged, he finds himself in his quarters without knowing where he has been and how he managed to get back to his quarters. Such a man is held in awe and respected, and is given a high title amongst the Olosanyins (the juju men). But such a case is very very rare.

5 It is generally concluded that there is in medicine or juju something by which it influences for good or for evil, and that it loses its curative power and also its effective power, (a) when the user entertains doubt as to its efficacy, and (b) when the user's own conduct is to blame.

6 Women during the menstruation period are forbidden to enter any place where juju is installed or touch any compound medicine. This it is said spoils the medicine, rendering it ineffective. It is believed that women are unclean during menstruation and that anything they touch must be unclean and dead.

(a) Immorality is believed to have a destructive influence on juju, medicine, or divination; hence a professional medical man usually sets up an isolation room for keeping his juju and medicine, allowing nobody but children to enter there, should it be necessary.

7 Although a medical society exists, native law does not forbid any non-member to prescribe and apply medicine to patient.

8 When a native doctor is asked to cure a patient, before doing anything he states his fees, which are of two kinds: (a) Owo Ilele (deposit fee) and (b) Owo Eje (vow fee). Owo Ilele is paid in advance and Owo Eje shall not be paid until the patient is completely cured. Should the patient die or not be cured by that

particular doctor, the Owo Eje shall not be paid. The doctor may be asked to pay back a portion or all of the Owo Ilele, which he had received in advance.

9 Payment may be made in money, cattle, poultry, clothes etc.

10 Should a patient die, who is freeborn and not a slave or stranger, and there is reason to believe that death was caused by the doctor administering strong medicine or poison, the doctor is asked to sleep (i.e. die) by the side of the patient.

11 There is a system called *Wo mi ko ra mi* (Cure me and make a prize of me). When a patient is incapable of meeting the doctor's bill and there is no help forthcoming from anywhere, the patient, who in most cases is a female, offers to be cured and kept as a prize.

(a) A patient that is cured under "*Wo mi ko ra mi*" system becomes the property of the doctor. If a female and not very old, she becomes the doctor's wife. If a very old woman or male, she or he becomes his slave for life. And should such a patient abscond or desire to break off the bond, the doctor is entitled to all reasonable claims and demands. It matters not how long the patient has been serving the doctor.

12 When a doctor gives a medicine, he shall first apply it on his own body or on the body of his own child in the presence of the patient or the patient's people, before applying or delivering it for use; otherwise he is liable to prosecution should the worst or any evil befall the patient after using the medicine.

(a) Should a medicine be delivered through the medium of a third person, the medium man shall apply or try it according to the rule in the preceding clause.

## SOCIETY

1 The affairs of each society are managed by its own officers and governed by its own rules and regulations.

2 Every secret society admits its members by initiation. Any member who reveals the rites and ceremonies of such a society to a non-member is liable to a heavy fine with or without flogging (he may be suspended or expelled), or death, conjointly with the non-member to whom the secret is told. It is immaterial whether the member is persuaded by the non-member or not. It is also immaterial whether the non-member is indifferent to the divulger of the secret, and shows no desire for the secret being revealed to him or her or not.

3 Women as well as men have their separate societies. The patroness of the women's society is called Iya Egbe; the president is called Iyalode. In most cases Iyalodé is the highest title the society of women used to create.

4 There is a certain society called Esusu. This society deals with monetary matters only, and it helps its members to save and raise money thus:—

(a) Every member shall pay a certain fixed sum of money regularly at a fixed time (say every fifth or ninth day). And one of the subscribing members shall take the total amount thus subscribed for his or her own personal use. The next subscription shall be taken by another member; this shall so continue rotationally until every member has taken.

(b) Should one of the members who has taken the Esusu fail to continue to pay the regular subscription, such a member must be held responsible



for his or her subscription to the remaining members who have not yet taken their own Esusu. Payments shall be enforced as in case of debt.

- (c) But if a member who has not taken Esusu fails to continue, another person may take up his place, and when that one takes the Esusu, he shall refund to the first man (his predecessor) the amount subscribed by him (the first man).
- (d) A man may pay twice the fixed sum regularly. In that case he will be considered as paying for two men and he shall be entitled to two men's portion. It matters not what time he takes the first portion, or what time he takes the second. Should a man pay for the amount equivalent to three times the fixed amount or more, he shall be entitled to take Esusu three or more times as the case may be.
- (e) Sometimes Esusu is not taken rotationally. The regular subscriptions are taken and kept by the president. At the end of three months or any other time decided by the members the total amount is brought forth and every member receives his total subscription. The president, who is also the treasurer, is entitled to the amount equivalent to  $2\frac{1}{2}$  from the amount subscribed by every member.
- (f) Should a member of the Esusu society die while the Esusu is not closed, his children or nearest of kin shall receive the amount subscribed by him or pay the amount standing against him.

5 Traders' Guild.—According to native customary law, before a man or woman could undertake a trade, he or she has to inform the body or head of the people who are carrying on such a trade. A certain fee (in money, kolanuts and drinkables) is paid to the board by the would-be member (as entrance fee) and the acceptance of the fee renders the applicant eligible as a member when he will be told and taught



the rules and regulations of the guild. This is done to promote, foster, and protect the welfare of the trade.

- (a) Should any one spontaneously take up a trade without communicating with the board of that particular trade, the intruder is subjected to a heavy fine with or without confiscation of his goods, and he is prevented from continuing unless he is admitted afterwards, as declared in the preceding clause. He may also be refused admission, when he must be bound to give up the trade.

6 Every trader's guild or society has power to make, or amend, or nullify, or enforce its own rules and by-laws in the interest and welfare of such guild or society and its members, provided the fundamental laws of the government are not violated.

## CHAPTER XX

### MARRIAGE

1 Native marriage consists of various kinds with various ceremonies. But in all cases sexual relations are perpetual.

2 Parents of richer people used to secure a wife for their son while both were in infancy. The wishes or inclinations of the two concerned are not necessary, but in most cases the young man makes his own choice. Should a young man take a fancy to a girl, he first makes inquiries as to her parents and whether she has already been engaged or not. On finding that she is quite free, he privately finds out :

- (a) Whether she is of a good family or not, i.e., that her family is not possessed with a dangerous or contagious disease, such as leprosy insanity, etc.
- (b) Whether her parents are criminally disposed or addicted to any evil habit, e.g., incurring debts, practising witchcraft, thievishness, etc.

- (c) Whether the girl herself is diligent and respectable.

3 If after private investigation he is quite satisfied, he then puts his case before his parents, who also make private inquiries of their own.

4 The parents of the girl also find out privately what sort of a family the man belongs to, and what sort of a person he himself is, before giving their consent when approached by his family asking for their daughter.

5. The man in question first secures the service of a reliable and interested person (preferably an elderly woman) privately to propose to the girl for him. This third party is called Alarena (i.e., one who opens the way). On obtaining the girl's consent in privacy the would-be husband will then ask his father and head of his family or any one *in loco parentis* to confer with the girl's parents for him.

- (a) When a man and the girl have become well acquainted, the Alarena ceases to interfere, when she is given a present of gin, kola nuts and money in reward for her labour of love. But her interference and intervention and instruction in the interest of the two parties still continues.

6 It is the business of the would-be husband's father and head of the family or any-one in the place of the father and head of the family to enter into a marriage contract and negotiate for the girl with her family. It is not decorous or appropriate for the man himself to go direct to the girl's parents to ask for her. This is called "Itoro" i.e., application for the girl to become the wife of their son.

7 On obtaining the consent of the girl's parents, a consent-fee called Ijohun is paid by the would-be husband to the family and relatives of the girl thus:

One case of gin to the father and his relatives.

One case of gin to the mother and her relatives.

16 kola nuts (obi ajopa) to the father who distributes them among the relatives.

16 bitter kola nuts (Orogbo).

8. During betrothal the would-be husband sends a present of not less than nine yams and one hundred ears of corn to the parents of the girl every year as his annual present. He may also send through the parents presents to the girl. A man may give present to his girl to any amount during any year, personally or privately.

9. In all cases before Ijohun ceremony is performed, the family oracles are invariably consulted by the parents of both parties concerned, when all necessary sacrifices are made beforehand. This is called *Ẹbọ-Iyawo*, i.e., a sacrifice concerning the bride elect. The most important part of the ceremony is the splitting and sharing of kola nuts (clause 7) among every member of the girl's family. This seals the contract.

10 When a girl attains the age of puberty, the man about to marry her pays dowry to her parents. This is called *Idana*. The nature of the dowry varies according to the status of the girl or the status of the husband :—

- (a) If the parents of the girl are in a good position The sum of 50/- is paid to them in dowry for the girl, but if they are poor, *Idana* may be as much as £15 and even more.
- (b) If the girl is highly connected and beautiful, the husband should give a specially valuable dowry befitting the girl's status, hence the maxim "*Bi ọmọ ba ti ri li a ẹ ana ẹ,*" The status of the girl determines the value of the dowry.
- (c) Payment as dowry is also made according to the husband's capability. "*Bi a ba ti ni ipa si li a ẹ idana,*" i.e., "Whatever one is capable of giving, that he gives for dowry." But the following are essential in dowry :—



- 40 Obi Ajopa—kola nuts, an emblem of safeguard and nobility ;
- 40 Orogbo—bitter kola nuts, of union and longevity; Oyin—honey, of sweetness, happiness ; Atare — guinea grain, of fruitfulness ; wines, gin and any other drinkables, of zealous attachment, earnestness and ardent love for one another; money, etc.

(d) In some cases the man may have to send to the parents of the girl the necessaries to make sacrifice to her fetish or god, e.g., goat, sheep, ram, fowl, etc. These they eat and sprinkle some of the blood of the victim on the fetish. Palm oil, kola nuts and gin, as much as the man can afford (or money in substitute) are also sent for the sacrifice.

11 Igbeyawo or marriage is the last ceremony and is performed thus:—

(a) A day which is observed as a feast day by both families is fixed for the wedding. About 4 a.m. or 8 p.m. (any time before daylight) the bride is led to her husband's place in the company of her friends and associates and with at least two elderly persons (preferably women) who carry a message with the bride from the parents of the bride to the bridegroom's parents, the retinue singing on their way to the bridegroom's place. Before entering the house, the bride's feet are washed with gin and water, which signifies that she enters her new and permanent home purified, she is first taken to the head of the family of the bridegroom with a message and an offer of blessing from the bride's parents. After this the bride is conducted to the bridegroom's mother for prayer and blessing and from thence to the Iyale (the senior wife, if any), who conducts her to the bridegroom's apartment or any other place specially prepared for the reception of the bride.



(b) The Iyale, if any, or if none the mother of the bridegroom, or any one in place of the mother shall supply the bride temporarily with new clothes and trinkets, which she the Iyawo (bride) puts on early the next morning, taking off and keeping her own by herself. The Iyale also cooks for or supplies the Iyawo with food for at least five days. This is to show and prove the goodwill of the Iyale towards the Iyawo.

12 The second or third day after marriage the parents of the bride sends her paraphernalia after her to be carried by as many people as necessary. The carriers are dressed in their best and consist of the young wives of the members of the bride's family. The paraphernalia include everything necessary for the comfort of life:—Clothes, trinkets, cooking utensils, toilet necessities, including bath-sponge, chewing stick, brooms and brushes, water pots, crockery, mats, bolsters, baskets, bags, purses, and all other necessities as well as the bride's idol. The carriers make a ceremonious delivery of the same to the Iyawo and make a gaudy show of the things. This is called Igba Iyawo (the bride's paraphernalia). The carriers of Igba Iyawo are entitled to a present of not less than 16 kola nuts.

13 All girls must have their tribal marks cut on their backs before marriage. Should one be not marked before Ijohun (consent-fee) is paid, the husband is responsible for the ceremony of the same. He must give as presents palm oil to be rubbed into the wounds, firewood, one leg of Etu (chamois) and money not less than 5/6d.

14 As soon as Ijohun is paid, the girl becomes the wife of the man, who thenceforward is liable to pay a share towards all funeral expenses which his wife may indulge in and to help the parents of the girl or any important head of the family in house building and repairing works or any pecuniary embarrassment. The man shall also prostrate himself before every member of the girl's family (on saluting him), even a babe.

15 The girl herself, from the time that Ijohun is paid, veils or covers or hides her face from any of the husband's family or friends. This continues till about a year after marriage. The bride may show her face, but must not converse or speak with the grown up people of the husband's family or friends until a present is given to her by the party concerned, or until immediately after her first child-birth.

- (a) She is not to call any of the husband's people by his or her name. She is to find appropriate pet names for each of them (a child born a day before her marriage inclusive). But any child born after the marriage shall be called by its true name by her as she pleases.

16 A man may take in his wife before paying the dowry, but the dowry must be paid as soon as possible.

17 Should a man take for wife a girl already betrothed to another, he is severely dealt with as in the case of adultery. He has to refund to the injured or dispossessed man whatever amount is demanded as the cost of dowry or past expenses. The girl then becomes a recognised wife of the usurper.

18 A man who takes or commits adultery with the wife of another man should not go near or move freely past the quarters of the aggrieved man; should he take the risk and is assaulted, battered or seriously wounded by the aggrieved man, the aggressor is not entitled to any claim nor is the injured man liable to any punishment.

- (a) The aggressor is also free to use any means at his disposal against his opponent. It is to all intents a duel. In time of war the two rivals may invite themselves to go side by side to the enemies' line or within the closest range of the guns of the enemy (only two of them in front, leaving their comrades far behind) to show who is the braver of the two. Should neither of the two fall on the battle field, the less brave shall

acknowledge the superiority of his opponent by abandoning his claim to the woman in question, and the two men shall thenceforward become friends for life.

- (b) Should either of the two rivals fall on the battle field, the survivor takes the woman, but if both men fall, the woman may be held responsible by paying the penalty of her life for their lives.

19 When a man carnally knows a fully grown-up girl hitherto unbetrothed, he is made to pay a certain fixed and reasonable amount to the parents as dowry and take the woman for wife.

20 A man may give his daughter or niece away to another man (friend or benefactor) free. This consolidates the friendship between them.

21 Before a girl is married, and as soon as the day is fixed, she should visit all her relatives and friends one by one announcing in dirge her impending marriage, i.e., her seclusion from her original home. She is sent away from every door with words of encouragement, good wishes and a marriage present.

22 If on marriage a bride proves virtuous, her parents and friends take pride in it. A present of 21/-, 40 kola nuts and drink is given to the girl's relatives and friends, who remain five days with her in her husband's house cheering her and making her comfortable in her new home. The girl herself is given the sum of 21/- with the cloth (white) containing the sign of virginity. These are sent to the parents of the girl, who retain the money and hand over the cloth to the girl. The cloth is dyed red with camwood and is first used by the girl in bearing or carrying her first-born child.

- (a) After the fifth day every friend and companion of the bride except the *Omọ Iyawo* must take leave of her. *Omọ Iyawo* is the bridesmaid, a younger member of her family, her messenger, servant, and assistant.



(b) *Omọ Iyawo* is quite free to move about and speak to any one carrying and receiving messages from people to *Iyawo* and *vice versa*. When *Iyawo* is saluted or spoken to, *Omọ Iyawo* answers for her.

23 Should the girl not prove virtuous, her companions are sent away in disgrace. She becomes obnoxious and is treated with all manner of discourtesy. She is also obliged to mention the name of the man who, if known or found out, is severely dealt with for committing adultery with another man's wife. Nevertheless the woman is a lawful wife of her lawful husband.

24 Divorce is not permissible in native law. Husband and wife may be forced to separate. The woman may go and live with another man. In that case the man is bound to pay back the dowry to the husband. But the family of the woman will not receive any dowry from the other man, nor regard him as the lawful husband of the woman. He is to them her sweetheart, as the maxim is: *A ki imọ okọ omọ tan ki a tunmọ Ale re* (It is repugnant to regard the husband and the sweetheart as the member of one's own family).

25 To the Yoruba woman especially it is beneath her dignity to marry a foreigner, a non-Yoruba man including a white man. Only a morally debased woman would tolerate sexual intercourse with a white man especially; and she, if known becomes obnoxious, and is shunned by every one in family and social circles for life.

26 A master may give his slave another woman slave of his in marriage. In that case nothing is paid. Of course, the children, their offspring are included in the property of the master.

27 A man may take his slave or female captive to wife. By such marriage the woman becomes free and her offspring are entitled to their father's property as



freeborn and legitimate sons of his. Should the man find such a woman to be insolent or uncontrollable or of bad behaviour, he may reject her, when she loses her freedom by the marriage and becomes a bond-woman as before. But any child which she may have had by the master is still a legitimate child of the father.

28 A girl, when a babe, may through the oracle of a babalawo be declared to be the wife of his god Ifa and to belong to him in particular. Such a declaration is respected. But if the girl on growing up should take another man of her own choice the approval of the babalawo must be sought and obtained before marriage. The man marrying such a girl should pay an adequate sum in money and goods to the babalawo as compensation for encroaching upon the rights of Ifa god, the babalawo not being the girl's parent or relative notwithstanding.

### Muhammedan Form of Marriage

1 The consent of the parents of the girl is absolutely necessary. After this a consent fee (called Ishiwun) is paid. This consists of 11/- and 100 kola nuts. After Ishiwun comes Idupe (or thanks), which consists of 11/- and 40 kola nuts to be paid to the parents of the girl. Kola nuts for distribution amongst the family.

- (a) At the time of Ramadan (fast-time) the man sends 5/-, yam-flour, palm oil, biscuits, etc., through the parents to the girl.
- (b) At Ileya (Brama festival) he also sends a leg of ram, 5/- and cloth through the parents to the girl. The girl cooks in return a fine chop equivalent to a leg of ram and 5/- and sends this to the man.

The foregoing yearly presents must be continuously observed until the girl is grown up for Yigi (marriage).

(c) Yigi or marriage is conducted thus:

The man sends 40 kola nuts, one head-tie and four cloths to the bride through her parents, and 5/- to the priest who conducts the ceremony, which is performed in the house of the bride's father or any one *in loco parentis*. The bride must be absent. The priest asks the bride's father three times: "Do you give your daughter to this man"? the father replying "Yes" on each occasion. The priest then turns to the bridegroom and asks three times: "Do you accept his daughter as your wife"? The bridegroom replies "Yes". The priest then asks for negotiation, i.e., "how much does the father requires as dowry" ? (called Sadaki). This may be any amount from 10/- to £20, according to the standing of the parents (Marriage, 10, a, b, c.). After negotiation the bride asks for three months' leave to pay the Sadaki. The prayer is then offered and the bride is handed over later on. Early next morning, between 3 and 4 a.m., the bride is taken by her friends and relatives to her husband's house (Marriage, 11). The husband then gives 5/- and 40 kola nuts to those who bring his bride.

2 Another form amongst more religious and well-to-do persons is Sara, the giving one's own daughter in marriage free and without receiving any money or things from the husband. The bride's parents undertake the expenses of the Yigi. According to the Koran, Sara is more commendable by the Koran, and he will obtain great reward from God who gives his daughter away in Sara.

3 A man may perform Yigi ceremony while the girl is still young. This does not compel her to come over to the husband's house.

4 A man who marries under Muhammedan law may divorce his wife according to the Koranic law; and the woman thus divorce may be re-married i.e.,

perform Yigi ceremony with another man, but, as in the case of Christian marriage, it is of foreign introduction.

5 On the death of a betrothed girl the parents shall return or refund to the bereaved fiance moneys and the amount spent on goods by him on her behalf. But in some cases the man, from grief at the irreparable loss of the object of his affection, but regarding it as a natural event, refuses to take back such things.

6 Should an already married woman die childless, all her goods and personal property are returned to the parents or next of kin. Should a betrothed girl die, her family, if they choose, may give as substitute another young unbetrothed girl to the bereaved fiance. This is done where special liking for the bereaved fiance is felt by the family.

7 Polygamy is the social law of the country.

8 Polyandry is not known.

9 A wife or bride is directly under the care and protection of the head of the husband's family, who is in duty bound to protect and help her against any ill-treatment. She is quite free to appeal to her husband's parents or any one *in loco parentis* for help and protection. She is a daughter in the house and should be made comfortable and happy by the whole of the members of the family, and the whole family, not the husband alone, responsible for her support.

10 Should a woman misconduct herself, she is punished by her husband alone, or in conjunction with her parents.

11 It is repugnant to native law for a woman to live separately from her husband or her husband's family. In case of any disagreement between her and her husband, she is protected by her husband's family, with one of whom she stays until reconciliation takes place. She may also remove and stay with her own parents, but such a case is very rare. If the husband



is cruel and fault-finding, or if the woman is insolent or arrogant to her husband's family and they consequently show indifference to this agreement between the husband and his wife, she has no alternative but to stay with her own parents during the period of disagreement.

12. Should a woman find no help and protection from her own or from her husband's people against a cruel husband, she may seek for the same by obtaining or securing shelter in the house of the chief of the town or the king (see kingship).

13. According to native law every woman shall undertake to clean the compound; the younger has to do the greater part of the work, to fetch water, sweep and rub the house and cook. She has also to help the husband in his vocation (if he is a farmer).

Apart from the preceding section, a woman shall carry on her own private business (in trade or industry) to provide for her own sustenance as well as for the nourishment of her own children, especially when in infancy.

14. It is also the duty of the husband to give his wife, on marriage, a present of money or goods to enable her to start a trade of her own. The husband is quite free to give her more presents as often as he is willing and able to do.

## CHAPTER XXI

### CONTRACTS

1. Contracts are of two kinds: (a) Contracts on oath and (b) contracts ordinary.

Every ordinary contract is made in the presence of one or more witnesses.

Contract on oath can be made without any individual witness. But no contract is upheld by the court unless made in the presence of witnesses, or admitted by the parties concerned as having been really made.



2 A contract may be cancelled or nullified by the consent of both parties.

Should one of the contracting parties break the agreement, intentionally or inevitably, the contract may be nullified.

3 A sale becomes definite after the bargain has been concluded, the buyer paying on the spot, or later on, or by instalment agreed to by the two parties. The seller, on handing over the goods sold (especially live stock, including slaves) offers a blessing to the buyer, thus: "A mọ ọ lọwọ ọ" (i.e., the goods shall be profitable to you).

4. When a slave is sold and delivered to the new master, the latter must within 24 hours take up the clothes, beads, or anything on the body of the slave. These must be returned to the old master, otherwise he has rights of claim to a portion of the labour of the said slave.

5 A slave on redeeming himself, i.e., on paying for his own ransom, must pay in addition to the ransom fee the sum of 200 cowries i.e., two-thirds of a penny, otherwise the slave is still regarded a bondsman in spite of his paying the ransom fee. The 200 cowries are called Owo Ibọ okun, i.e., money for untying the cord of the bonds.

6 Should a slave die within three native months of purchase the loss falls on the original or immediate master, who is bound to refund the purchase money to the purchaser, but in case of any period after three months the loss falls on the purchaser.

(a) When a slave is sold to any exporter, he must not export the slave far away from the place of purchase till after three months; should he do so, and the slave dies within three native months, he cannot claim the refund of part or whole of the purchase money.

(b) The above rules apply to the purchase of horses, cattle, and poultry, only the time limit differs, being for horses 17 days, for cattle 9 days for poultry 5 days.

7 The owner of a slave can force him to do anything, right or wrong, but the master is to be held responsible for the slave's action.

(a) An owner of a slave can kill his slave if he likes, and that with impunity.

8 A slave not only loses his freedom, but also his political rights, and he is not free to move or act against the wish of his master. He can only enjoy such privilege as may be granted him by his master.

9 A slave may redeem himself (Section 5) and afterwards attain to a position of affluence.

(a) In ordinary cases the master gives the slave privilege to build his own private apartment and cultivate his own farm, thereby making himself as comfortable as possible in the circumstances. In his own interest a considerate master should treat his slave well, especially as the life of the master is sometimes in the hands of the slave, in particular through handling their master's food.

10 If a slave had a child before redeeming himself, he shall also pay for redemption of the child; otherwise the child is still the property of the father's master.

11 A man may order and authorize and appoint another to carry on business for him under a certain fixed arrangement. The attorney is responsible to his client for any damage or loss caused by his negligence or misconduct.

12 Should a man send another on a dangerous errand or to a dangerous place, the sender is responsible to the family for any harm that may overtake the

one sent; but if the man sent is sent on the instruction or with the knowledge or consent of his family (the head of the family especially), the sender is not responsible.

(a) Also if it is proved that the harm which befell the man sent was caused through his own folly, the sender is sent free from blame or fine. If it is also proved that neither the errand nor the path was dangerous, and that the harm was purely accidental, the sender is free from blame or fine.

13 A man leaving his country or residence may commission another man to act for him, but the nature of the commission must be explained to the attorney in the presence of witnesses, and the attorney is only to act in that particular instance. The man on his return gives a present to the man commissioned where no profit can be realised. This ends the commission.

14 A man may let out his servant on hire like chattels. Should any harm befall the servant during service and it is proved to be an accident, the hirer is free from blame or fine; otherwise he is responsible to the lender.

15 Money is given out on loan at interest at the rate of 5% every 17th day.

(a) The system of giving security for a loan is foreign.

(b) The loan may remain unpaid for years, and if the interest is regularly paid, payment will not be enforced, unless at the outset a certain date for the return of the loan was agreed upon, or unless the lender becomes insolvent.

16 Payment of debt is enforced in two days:

(1) Ogo system. The lender or creditor, by permission of the authorities, sends two or more men to the debtor's house as bailiffs. These sit at the entrance of the gate of the compound



in which the debtor's house is, do all that lies in their power to annoy all the inmates of the compound by using offensive language, refusing at times to give entrance or leave to any one who wishes to go in or out of the compound. Should they feel hungry, they seize any edible food from any one of the inmates or vendors passing by, telling them that the debtor is responsible for their action. They may kill fowls, sheep, goats, or any cattle belonging to an inmate or a neighbour. All this is done to compel or move the debtor or the inmates or the neighbours to make immediate payment. The bailiffs called Ologo remain till the debt is paid, or till the claimant is begged to remove them by persuasions or the interference of persons interested in the debtor. In any case the bailiffs will not remove or vacate the place without the instruction of the claimant who sent them there. Any damage done by the Ologo, must be paid for by the debtor. The Ologo must be paid for by the debtor. The Ologo, on vacating the debtor's place as aforesaid, are each entitled to 6d per day and gin and kola nuts, which must also be paid by the debtor or on his account.

- (2) Emu system. When the Ogo system fails to secure payment, but simply increases the debt, the creditor has the right to seize and detain any one belonging to the debtor's tribe or clan. The creditor may seize two or more men, according to the nature of the debt, and they are kept as the creditor's prisoners till the money is paid when the captives are set free.

## CHAPTER XXIA

### CATTLE REARING, ETC.

1 A man may give his cattle to another for rearing purposes under the following conditions:



The first breed goes to the owner, the next one to the cattle caretaker.

- (a) If the first breed is two—one male and one female—the owner takes the female, and the next female breed goes to the caretaker.
- (b) Should either or both parties (the owner and the caretaker) wish to close the contract, and the cattle has not produced any breed, it should be sold and the money equally divided, provided the cattle have been with the caretaker for a period not shorter than 12 full months.
- (c) On the cattle being offered for sale, any one, including either of the two parties, may buy it.
- (d) On the death or loss of such cattle, and if it is proved that the caretaker is not in any way responsible for the mishap (i.e., if he is not guilty of negligence, carelessness, or any foul play) he is free from any claim from the owner but if no satisfactory proof is adduced to clear the caretaker, the owner is entitled to claim the cost of the cattle as well as the probable cost of all the breeds which the cattle may have had during their lifetime.
- (e) The above rules apply to poultry rearing on contracts.

2 When a man undertakes to cut or collect palm-fruits for the owner, or does a shrimp-fishing job for the owner of the water or of the fishing baskets, or pilots a master net-caster, he is entitled to one-third of the proceeds, or the equivalent amount in money or goods.

## CHAPTER XXIB

### PAWN SYSTEM

1 A man may pawn himself, his wife, or his child for debt, and until the debt is paid the pawn remains the servant of the pawnee.

- (a) He is to perform any manual labour for his master and the cost of any damage or loss caused by the pawn is added to the amount of the original debt.
- (b) The labour of the pawn is no part payment of the debt; it is taken as interest on the capital (the debt).
- (c) Should the pawn be a grown-up person, he is allowed a certain number of days to do his private work, to enable him to save to redeem himself. If he works 9 days on his master's business, the following 9 days belong to him. This goes on alternately till the pawn relieves himself of the pawn.
- (d) A man when pawning himself must produce a surety, who receives from the pawn the sum of Eḡba (6d). The acceptance of Eḡba renders the surety liable for the refund of the debt should the pawn abscond or refuse to pay.
- (e) Should a man take a female pawn and have sexual intercourse with her and it is proved, the pawnee not only forfeits his money, but he is liable for prosecution and fine for committing adultery, if the woman is a wife or the betrothed wife of another man. But if the woman is not yet engaged to any man, the pawnee is free from prosecution. He may take her for wife should she consent. Extra payment for dowry is not necessary.
- (f) A man on receiving money under the pawn system becomes the servant of the pawnee from that moment. He may, however, take not more than 17 days' leave before surrendering himself. On payment of the debt, such a pawn must be detained or pay for the number of days he took as leave at the outset, before he is set free.
- (g) On payment of money in relief of the pawn an additional sum of  $2\frac{1}{2}\%$  is demanded. This surplus demand goes to the surety.

- (h) Pawning is transferred i. e., a pawner may secure a new master, who, on paying in full to the original master, is quite free to demand the pawn from the said pawnee.
- (i) Should a pawnee also become insolent, or is displeased at the behaviour of his pawn, he will ask the surety for the payment of the debt, or arrange for transfer, and if the surety fails to carry out these arrangements, the pawnee may of his own accord arrange for the transfer of the pawn to another; in order to secure his money, the original surety being still responsible for the debt.
- (j) A mother may pawn her child, but the consent of the father is necessary. But if the husband has willfully and cruelly neglected the wife she may pawn her child for money to relieve her necessities.
- (k) A brother can pawn his younger brother, but the consent of the parents as well as that of the younger brother is necessary. A young boy or girl, who is not the real debtor, may refuse to be pawned forsake the service.

When a pawn refuses to serve his master, and the money is not yet paid, the surety is bound to serve in place of the absconded pawn until the money is paid.

A pawn may live in his own house, but he must regularly attend to his master's work. A female pawn stays with the women in the master's house. Children pawns as a rule stay with their master, who is responsible for their feeding. They may also be supplied with clothes by the master, but this is not compulsory. They are also allowed to visit their parents regularly.

When a pawn who resides with his master falls sick, information shall be given at once to the



surety as well as to the family concerned, failing which the master is responsible for any harm which may ensue.

A pawn who stays in his own house shall, on falling sick, report to the master, otherwise the cost of his labour during his absence shall be added to his account.

## CHAPTER XXII

### BREACH OF CONTRACT

1 Should a man promise to marry a girl and afterwards break his promise, the girl cannot claim damage for breach of promise. She can only slang and abuse him. She is, however, entitled to recover anything in the shape of presents, gifts, or keepsakes in possession of the man.

(a) Should a man after touching or cohabiting with a girl whom he has promised to marry, refuse to marry her he is liable to payment of a large sum for breach of promise.

(b) No claim can be entertained against a woman for breaking off an engagement. The man is, however, entitled to recover any moneys or expenses on account of the engagement. This includes all moneys, gifts, and cost of labour for the girl and her parents and relatives on her behalf.

(c) Should a man fail to act in conformity with certain clauses under marriage Law, he takes the risk of forfeiting his wife, and cannot claim recovery of his past disbursements. It matters not whether he has paid Idana and Ijohun or not. But the girl's parents of their own accord (to preserve the dignity of their house and family) repay such disbursements to the man.

(d) Should a girl also fail or refuse to cook (Mohammedan Marriage, 1b), she is regarded as breaking off the engagement.



2. When a man agrees to do work and fails to do it, the injured party cannot claim damage for breach of contract. The contract-breaker, however, is considered unreliable and is treated with contempt, provided there is no justifiable reason or ground for the breach.

3. Should a man receive payment or gift for a certain work to be performed and fail to do the same, he is liable to refund to the owner money or gifts received.

(a) If the breach is caused by unavoidable circumstances, e.g., accident, or sickness, or bereavement in the family, or an unfortunate and uncalled for mishap, the claim may not be instituted or upheld by the court.

4. When a man does part of a work (the whole of which he took on contract) and unreasonably or unfairly fails to carry it through, although he has been well and regularly financed, the owner of the work will ask him personally and afterwards report to friends on both sides, to get him to complete the work.

Should the job-man still fail to carry on the work without any responsible or justifiable grounds the owner is quite free to choose another man to close the contract. The owner is also entitled to recovery of any money, materials, etc., as well as the tools.

5. Should a man die after finishing or doing a piece or portion of work, his rightful inheritor or friend or countryman (if he is a stranger) is entitled to receive the wages, which of course must be paid in the presence of two or more witnesses.

6. Should a man die after he has received money in advance for a job, the owner of the work is entitled to claim from his inheritor recovery of the money, goods, or materials given to the deceased on contract. If a portion of the work has been done, the cost of such a portion is taken into consideration and is deducted.

7 Should there be a bitter quarrel between two persons, and if one of the two parties is bereaved, the other party shall set aside the quarrel and pay a visit or send to visit his enemy (so called) to express sympathy for bereavement. Should he fail to do this, a worse and lasting enmity results.

8 Should two persons quarrel and curse each other, or one curse the other, and by co-incidence harm befall either of the two or the one cursed, the other party is held responsible for the mishap.

9 **Mariwo.** Young palm leaves are an emblem of sacredness and warning.

(a) They are put at the entrance of every sacred grove as a warning that the place must on no account be defiled. The same rule applies to every shrine.

(b) When a man has entered another man's land with intent to take possession of it as his own. The owner shall cut and put Mariwo to every possible entrance to the land, thus impending trespassers' encroachment. Any further dispute or case of trespass shall be decided before the tribunal of the chiefs.

10 **Kola Nuts.** These play an important part in the social life of the country. No offer of sacrifice, no marriage ceremony is complete or valid without them. All presents, gifts, or entertainments of strangers or visitors are accompanied by a gift of kola nuts. Even to receive a prescribed medicine from a native doctor entails the giving and receiving of kola or it is believed that the medicine will not act. At birth, at marriage, and funerals the use of kola nuts is indispensable (without the giving and receiving of kola nuts the taking or occupation of any land renders one's title questionable or nullified in the future, no matter whatever one may have given in cash or goods).

11 Should stray cattle enter one's own premises or be found in one's own quarters, it shall be caught and exposed in a conspicuous place to enable the owner who is expected to be searching for it to discover it. The finder is entitled to a reward with the cost or the feeding of the same.

12 When a child or stranger loses his way and is unable to mention the name of his quarters or head of the house, he is taken over to the head chief or the king, who shelters him till he is found by his people, who must pay for the shelter as well as for the man who first found him.

13 Should a man find or pick up anything supposed to have been lost, he must show it at once to people near by. If it is a thing of no great value, it is hung on a peg by the side of the road to enable the owner to discover and take it away, praying and blessing the man who picked it up and hung it there for him.

If the goods or article found are of great value, the finder may personally hold or hand them over to the head of his house or the chief of the town or the king (as the case may be), until the owner is found and it is delivered to him, of course on his paying a reward. The finder cannot personally hold them without first showing them to the head of the house in which he is living. This is to save him from being prosecuted as a thief, should the property turn out to be stolen.

14 Should a man buy or receive or pick up on the public road anything which proves to be stolen property and it is proved that the man is quite ignorant of the fact of the article or goods being stolen property he cannot be prosecuted, but the owner is entitled to the recovery of his goods. No payment is made and no reward is given on such an occasion. But if the man with whom the article or goods are found is able to produce the man who sold them to him, he is entitled to claim recovery of the amount paid for the articles, while the thief is dealt with



according to the law. When an article or goods, or cattle or child, or stranger is missing, the owner or the person responsible shall personally petition the chief of the town or the king to give notice to the public, offering a reward to any one who finds and delivers it. Should the finder refrain from delivering it and he is detected, he is treated as a thief. The chief's or king's messenger who raises the hue and cry shall be paid through his master.

### Yam Custom

This is a festival observable about the month of October. On this occasion the king and the staff of fetishmen connected with it take part. All who can by any possibility attend it assemble to celebrate the goodness of the fetish in having granted an abundant harvest. The king, protected by his state umbrella and the fetishmen (the priests so to speak dressed in their fetish robes) offer the usual sacrifices. The fetishman first partakes of the yam, the king then eats of the valuable root. After these two have pronounced them to be ripe and fit for food, the people consider themselves at liberty to commence digging and eating the same.

### Circumcision

This is a common practice, but it is peculiar to the sons of a king of a certain tribe in Yoruba to be uncircumcised.

Presenting and recovering of presents, moneys, drinkables or any article or goods with the left hand is repugnant to native custom. It is a direct insult. But if the right hand is maimed or affected with sores or any other disease rendering it incapable of being used, or it is not clean enough to hold or receive the present, the party concerned asking to be excused may use the left hand.

When food, or drink or kola nuts are presented to a visitor, or stranger or friend, it shall first be tasted by the person presenting it. It matters not how closely related or connected the parties may be. This



is done (a) to remove the suspicion of the article being poisoned; (b) to prove the innocence of the presenter, should any internal trouble coincidentally befall the receiver or consumer, post mortem examination being unknown to the native.

## CHAPTER XXIII

### FUNERAL

1 Funeral rites and ceremonies are governed by considerations of birth, rank, and cause of death.

2 The corpse of a king is usually decapitated before burial, the skull, the tongue, and the heart being preserved for a ceremony to be made at the installation of his successor.

3 A man must be buried by the members of the society to which he belonged, provided the death is free from unnatural or disgraceful causes.

4 Should a man who belongs to two or more societies die, the ceremonies of the higher or more honourable one takes the precedence as well as the interment of the corpse.

5 When a man dies, kola nuts, gin and money (according to the rank and title of the deceased) are sent to the heads of his societies and some other important men of the town (e.g. the king, the important chiefs of town or village, should the deceased be of high rank and title) to announce the death of the man. This is called *Igbo* i.e., "Hearing Fee," which is distributed amongst the persons eligible. This serves as the official announcement, which must be made to effect the proper burial of the corpse. After *Igbo* each of the societies to which the man belonged shall impose their charges, which must be paid before the performance of the ceremony by such a society, failing which the society will ignore the corpse, and should it be buried without the society the people who are responsible for the burial shall be liable to a heavy fine, in addition to the payment of

the society's demand, on the payment of which the society shall perform the burial rites and ceremonies for the deceased. It is not necessary to exhume the corpse for the performance of the same.

6 The corpse is buried in the deceased's own house, provided the death is free from unnatural and disgraceful causes.

7 Slaves are buried in their master's yards; also strangers.

8 The corpse of a person killed by thunder is removed and buried by the thunder worshippers (Oniṣango), who also seize and confiscate the goods and property of the deceased.

9 A drowned man is buried on the bank of the river or the water with certain ceremonies attached to it.

10 Should a man die of small-pox his corpse and property are given to the small-pox worshippers (Oni Ṣoponna), who bury the corpse and share the goods. Consequently, the Oni Ṣoponna have added greatly to the spread of small-pox, since the goods of the victims belong to them. Some portion of the corpse is taken and compounded with dangerous seeds, and with this the drinking water of the country is befouled,

11 Corpses of criminals are never buried; they are food for vultures, eagles, wolves, rats, etc.

Lepers and lunatics are never buried in the house.

12 The hunchback is put into two large pots, one serving as a cover before he is buried.

13 In the case of an ordinary burial, the corpse before it is put in the coffin, is wrapped in as many clothes as are available and tied up with nine bandages if male, or seven bandages if a woman.

It is believed that man was created with nine bones and a woman with seven. Hence when a child is born, the ceremony of naming the child is performed on the 9th day, if a male, and on the 7th day, if a female.

14 On burying a chief, or king or a notable man guns are fired (under the old government human sacrifices were prevalent). It is imperative to kill and sacrifice a goat and sprinkle the blood on the corpse on the night that it is going to be interred (corpses are interred in the evening and not during the day). If a hunter, a dog must be added to the sacrifices.

15 Should a man die at a place not his own house or home, his corpse is removed to his house; a fowl in the hands of one of the escort precedes the corpse, which is carried on the heads of two or more persons. The holder of the fowl, shouting at the top of his voice "Ofe Ofe re" (lit; very light, not heavy), plucks and throws the fowl's feathers on the road. The fowl is killed at the entrance of the deceased's house before the corpse carriers enter. The flesh is cooked and eaten by them only.

**Note:**—The reason why the shout "Ofe" is made is to warn those people who are strictly forbidden to see a dead body to stand clear and have their faces covered with a veil or cloth while the corpse is being carried past. The fowl is for the deceased to pay for his trespasses on the road, his carriage to his home before burial and the reason why it is killed at the entrance is to ward off a similar occurrence—an out-of-door death among the inmates or relatives of the deceased.

16 During the funeral period a distinguished personage, a chief or head of family, is appointed administrator. He is called "Baba nsinku" (i.e., father of funeral ceremonies). The other members of the family are called "Omo oloku" (i.e., children of the deceased's family). Baba nsinku represents the whole family and is responsible for the proper burial and management of the deceased's property.

17 Every member of the family shall join in all funeral expenses, and shall give at least two yards of white cloth and money not less than 201 cowries to the dead to be buried with him. A member of the



family is also bound to subscribe to the discharge of all debts incurred by the deceased. It is also the business of the husbands or the fiances of the deceased's daughters or cousins or nieces or sisters to dig the grave.

18 On the death of a person, his creditors shall before the burial state his claim to Baba nsinku, producing witnesses. He shall swear before the deceased family, if requested to do so, thus:—A kola nut is split and a part of it placed on the deceased's lips closed. The swearer shall say, "if my claim of such and such amount or goods is false, let me be called by you to meet you in the next world within 7 or 9 days. He then takes and eats the kola nut. If nothing harms him throughout the stated period, the claim is valid and must be paid. Should any evil befall him during the stated period, the swearer not only loses the claim, but must pay or give certain things in sacrifice to gods. If death overtakes the swearer, his children or family must propitiate the gods on his behalf, that his spirit may secure rest and peace in the other world.

19 Before the burial the Baba nsinku shall invite any one who has anything to claim from the deceased to come forward at once, as no claim shall be entertained afterwards.

20 Claim made after burial is not entertained, unless it is proved that the claimant was absent from town, or was under restraint at the time of the man's death, or did not hear or know of the man's death till after his burial. In that case, if swearing is necessary, some earth from the grave of the deceased is put in drinking water, for the claimant who swears in the words mentioned and then drinks the water with the earth in it.

21 Any member of the family who does not join in the funeral expenses as well as in the liquidation of the deceased's debt shall forfeit rights of inheritance of the deceased's property.

Any fiance of the deceased's daughter who fails to perform his duties and is not absent from town, or sick or unavoidably prevented, shall lose his betrothed wife. His attachment to the family is not welcome nor desired. It matters not whether dowry has been paid. This may be refunded to him.

## CHAPTER XXIV

### WIDOWHOOD

1 When a man dies his wife mourns for him for three months.

- (a) She must not plait her hair and if already plaited she must lose it.
- (b) She must not take a bath for the three months.
- (c) She must not change the clothes which she was wearing at the time of her husband's death.
- (d) She must sleep on rag mats.
- (e) She must keep indoors for the three months, and if she cannot help going out, it must be in the evening. But such a case is very rare.

2 During this period the man who takes the woman for wife sends his chewing stick as a symbol of his love for her. (But such a man must be a member of the deceased's family) and the members of the family must approve of his taking her for wife. He must also support the woman during her mourning days.

When the period of mourning (three months) is over, all the wives of the deceased go collectively to the brook (wailing) at sunset, when every one washes her clothes and takes a bath. They are escorted or protected by some male members of the family who discharge two volleys on starting from home, two mid-way, and two at the brook, and *vice versa*. Before starting for the brook, each woman is shaved by her suitor (when a woman refuses to allow a man to shave

her, it means that she refuses him as her suitor). On returning from the brook, every one of them is taken for wife by her new husband that same evening.

Should the woman be too old and above child-bearing she is not actually married, but is formally attached to a male member of the family as her nominal suitor. She is not removed from her original husband's house like the other young women, but she remains a mother in the house.

A man mourns the loss of his wife in the same way, but in a lesser degree. He has to keep himself closely indoors for at least 17 days, after which time he may go out. But in mourning for full three months, he must not shave or bedeck himself with fineries.

## SUPPLEMENT

### No. 1

- (a) Should a man who is not a criminal or a refugee be assaulted or attacked in his own premises or quarters, he is quite free to use any means at his disposal in retaliation or defence. The maxim is "Ile mi ni mo wa' Ki ije ejo" (i.e., one who is in to say "I was attacked or assaulted in my premises or quarters" is free from blame or guilt). The assailant bears the blame. It matters not whether he is wounded, maimed, or killed, as the case may be.
- (b) But should a man, taking advantage of his being in his quarters or premises, first attack or assault another man who is not a resident of the quarters or premises, the assaulter cannot be exonerated, unless it is proved that
- (1) The visitor was there on mischievous purpose.



(2) He had been warned not to come there, or when found there he was ordered to quit and ignored the warning or the order.

(c) A man seeing his brother or relative or friend assailed by a stronger man may join in the defence of his brother or relative or friend, provided such a brother or relative or friend is in the right. But it is meet and right for the helper or defender first of all to try to quell the strife amicably, failing which he is quite free to defend as aforesaid. But he shall not use any dangerous weapon, unless he is compelled to do so.

## No. 2

1 Stool property (e.g., lands, houses, etc.) are much the same as family property as far as the law is concerned. The king or chief, who is the head of the clan, is the trustee of it. Any profit or benefit therefrom becomes the property of every member of the clan but

(a) For the maintenance and the upkeep of the stool the chief is entitled to the lion's share.

2 Every title is lifelong. An office-bearer or a chief is removed from his office by death alone  
Exceptions :—

(a) Promotion to a higher rank or office.

(b) Dismissal for abuse of office or crime.

(c) Resignation.

3 A chief or an office-bearer may be reinstated after dismissal or suspension or an interdict.

## No. 3

1 Death or lapse of time goes to extinguish a debt.

In case of death the relatives are responsible for the liquidation of the debt.

However long a debt may be standing, it is claimable.

2 Sometimes a head of a family or a chief may be so powerful that during his lifetime he may over-ride the standard customary law, and owing to fear of him, no claim may be brought against him or his dependent. After his death the claimant or his descendant may bring up the claim against the late chief's (or head of the family's) children or successor.

"Force" to the native is the sole remedy for all disorder. A weak man under his powerful chief would go to the wall when he is without anyone to help and support him. But nothing prevents his bringing up his just claim on the death or fall of the chief. Hence most of the chief's houses go to rack after them.

3 A man has the right to disgrace, or disturb, or harrass, or arrest or seize the person or property of his debtor at any time and in any place and that without complaining to the authorities.

(a) Should any personal effects (e.g., clothes, goods, ornaments, etc.) be seized, the seizer must under no circumstance whatever sell off or transfer or destroy such property or unless he is authorised to do so by the authorities or by the mutual consent of the debtor. The amount realized or the reasonably probable value of such goods seized is passed against the amount of debt; and should there be any surplus over the debt, such a surplus is paid over to the debtor. Should the goods get damaged or lost while in custody of the seizer, he, the seizer, is responsible for the cost of the goods.

#### No. 4

##### Reckoning or Computation of Time and distance.

1 To the true native, the European calendar is puzzling, nor does he like the white man's month. Computation goes by the moon. For instance: if a

child is born to-day and the new moon appears six or seven days after, the child is said to have survived two months, the next moon makes the child three months' old, while to the European it has only lived one month and a few days.

(a) The above computation applies to days and weeks and years. A child born during Egungun or any other festival is regarded or said to be two years old on living to see the celebration of the next Egungun festival.

(b) The native week is composed of four days.

2 Distance is reckoned by time and not by miles.

3 Time is reckoned by intervals and not by minutes and hours.

#### No. 5

Should a woman die childless, all her property shall be delivered to her nearest of kin on the mother's side. Even any debt owing to her by the husband must be paid over by the husband to the nearest of kin.

The husband also has the right to claim from her nearest of kin on the mother's side the refund of any loan or debt due to him by the deceased's (childless) wife.

#### No. 6

#### **Igba or Gidigbo**

1 There is a kind of sport which bears a striking resemblance to the English prize-fighting. A set of strong wrestlers from a quarter or town will challenge another quarter or town to wrestle.

A place for meeting is selected either sandy or grassy. To prevent accidents, it must not be a rocky or hard place.

The law is that no wrestler must use any stick, club, or any weapon at wrestling. Nor must he apply his fist to beat, nor must he slap or buffet his opponent.



Should any one infringe this law he is severely dealt with according to the nature of the wound he may have inflicted upon his opponent.

But if by accident one of the wrestlers is bruised, wounded, maimed or killed, and it is proved to be purely accidental, his opponent is free from any prosecution or blame.

Igba or Gidigbo always takes place at night and between full moon and the last quarter.

### Secret Societies

Secret Societies are of various kinds. But the most popular are:

- (a) The Ogboni or Oṣugbo.
- (b) The Egungun or Adamorisha.
- (c) The Oro and Èluku or Arungbe.

2 The head of the Ogboni is called Oluwo. He is generally the person who presides.

At first no attempt was made by the Ogboni's to conceal their deliberations, but as time went on it was found that private deliberations were inevitable.

The duties of Ogboni house are:

- (1) To elect and install kings or chiefs.\*
- (2) To legislate with the approval of the king.
- (3) To hear and decide important cases with the king.
- (4) To help the king in the proper government of the country.
- (a) No one is eligible as a member except by initiation.

(b) The Edan or Ogboni staffs are two in number, made of brass, bearing the images of male and female respectively. The king's staff is of beads. Obi Edan or the female staff is for peace and good-will. But Akọ Edan or the male staff is the contrary. To place it at the entrance of a house is a warning against or a sign of threatening calamity, which is destined to befall the house or an inmate of the house, and steps must be taken at once to avert the impending evil by paying something to appease the Ogboni.

3 The Oluwo or head of the Ogboni is supported by six other chiefs called the Iwarefas, with the Ashipa, as ex-officio member.

In salutation the Ogbonis shake each other's hands with the left hand in a peculiar way known only to the members of the cult.

(a) The Ashipa is a very important personage either as an officer of the tribunal, or as an officer performing other duties attached to the Ogboni society. He is the spokesman of the tribunal and in most cases delivers its judgments on the authority of the Oluwo and the Iwarefas.

(b) The success or otherwise of the Oluwo and his judicial observations depend a great deal on the tact and conduct of the Ashipa. Hence no care is too great for the selection of an Ashipa, who must be just, impartial, patient, intelligent, honest, respectable, fearless, and able to deliver a message as correctly as it was given him.

(c) There are special families or houses from which Ashipas are selected, but any other person who is believed and proved to be capable and competent for the post may be appointed.

---

\* There are persons peculiarly entitled to elect and install kings and chiefs.

4 The Egungun or the Adamorisha. These are believed to be the spirits of departed souls and must be regarded as such. They go about in masks and are covered from head to foot. The mask may be part of the dress itself or it may be a separate veil.

(a) It is death for an Egungun or Adamorisha to expose his face to view.

(b) He is privileged to enter any house, and when he goes out he is quite free to use his whip, staff, or club, and he is not blamable for any damage done by him. He may whip, flog, or beat any one who stands in his way; and he must be presented with gifts by the owner or inmates of any house visited or entered by him.

(c) An Adamorisha who falls dawn at play is liable to a heavy fine or if he fails to give his watchword, or if he fails to give appropriate answers to some problematic remarks which every qualified Adamorisha is expected to know, he may be flogged or kept under restraint until a certain fine is paid.

(d) Every Adamorisha is expected to salute a person first with his staff (called Opabata) and then he grips the other's hand in a peculiar way known to the members of the society. In case of failure he may be flogged or fined. But his identity is essential to show whether the man in the garb had been initiated into the mysteries of the society or not. If it is proved that he is a member of the society and that his failure is due to forgetfulness, he may be reprimanded, or fined. But if it becomes clear that he has never been initiated and that his assumption of the garb is a fraud, he is at once kept under restraint and severely dealt with by a heavy fine in money, cattle, or drinkables. He may then be initiated when he will be ligit as a member.



5. The Oro society celebrates its festival yearly, which used to last seven days. On the eve of the festival and towards midnight the Oro priest (called Abore) with the chiefs and elders of the town go forth under thick darkness (for no light must be seen outside). The chiefs and elders wait in a spacious place, whilst the Abore alone, leaving those waiting about half a mile away, goes to the shrine, ringing his sacred bell called Aja under pretence of bringing Oro to town to accept the sacrifice and to cleanse the town of its evil spirits. All must be perfect stillness save the prayer and incantation of the Abore with his bell alone. Suddenly he calls for Oro at the top of his voice saying "Oro baba o". This must be repeated three times before the sound of Oro is heard, as if saying "Lo, here am I."

Oro is a thin flat piece of wood mostly of the osun-sun tree, about nine inches long by one inch wide notched and bored at one end and attached to a long cord at one end, while the other end of the cord is tied to a pole, by which it is whirled round in the air. This produces a sort of shrill note, changing sound according to the nature of the whirlings.

Immediately the sound of Oro is heard a sudden burst of huzzas mingled with songs and beating of drums follows. Men only play outside, while women play indoors closely confined. This is called *Odun Oro* (i.e., Oro Annual Festival). Play continues for seven successive days, but Oro must withdraw to the bush every morning and remain therein till sunset, in order to give the women a chance to pursue their daily avocations.

- (a) But apart from the annual festival Oro may be hailed at any time.
- (1) In order to arrest criminals guilty of capital offences or a thief.
  - (2) To quell a strife which it is feared may create bloodshed or civil war.

- (3) To settle amicably any quarrel of a serious nature or in which it is feared the presence of women will hamper successful adjustment (see Tribunal section 4).
- (4) To offer and perform a big sacrifice in case of pestilence or any threatening calamity (e.g., war, famine, etc.).

6 The general law of the secret societies is to admit young freeborn people at the age of 10 to 15 years, and any unqualified person who attempts to penetrate or have a glimpse or pretends to know the mysteries underlying the same will surely lose his or her life.

- (a) Slaves or descendants of slaves and strangers may be admitted up to a certain grade. But there are certain societies which according to customary laws will never give them admission. It is immaterial whether the slave has redeemed himself and has been set free, or whether the stranger has naturalized himself in the country or not.

### Hospitality

1 The native custom in its purity is that no visitor or stranger on friendly terms must go unentertained with kola nuts and drinkables or food and lodging free. The kola nuts and the drinkables are taken together by the host and the guest.

- (a) A man must make his visitor or stranger comfortable by all means in his power. He should raise a loan or obtain goods on credit to do so, if he is not financially strong enough. It is repugnant to native customs to allow a visitor to go unentertained with (at least) kola and water, or to allow a stranger visitor and traveller (and not a stranger trader or workman) to prepare or pay for his food. Even a stranger trader or workman should be fed free by the landlord host for at least nine days.

- (b) To lodge a stranger for payment under a hiring system is a foreign custom now adopted by the native.
- (c) A man who will not entertain his visitor or stranger in the above manner is believed to be mischievous, is shuned and treated with disrespect by the community.

2 For a visitor or stranger to refuse or refrain from taking any victuals placed before him (unless a satisfactory reason is given as an excuse) is repugnant in law. Such a visitor or stranger is considered to be a secret enemy and is treated as such. It is also repugnant to native custom for the visitor or the stranger to empty the dishes placed before him. He is taken for a gormandizer or a pauper.\*

- (a) Anything drinkable or eatable set before a visitor or a stranger must first of all be tasted by the host or his representative; or the host is open to prosecution should the visitor or stranger complain of any internal trouble within 24 hours of taking such food or drink.

3 Should a stranger who is a lodger or under one's control is sick, the landlord (the host) shall report at once to the authorities as well as to the relatives or any one who is well-known to or who is a native of the stranger's country or tribe; he may also ask the stranger to quit. Should he fail to take any of these courses he is liable for prosecution if the stranger dies. He may be held up for murder or manslaughter.

4 On the death of a stranger lodger all his personal effects shall be delivered to the authorities, who deliver them to the deceased's relatives. Or in case of doubt or dispute as regards the eligibility of the claimant the authorities have the right to hold over such goods till the identity of the relative is proved.

- (a) In no circumstances whatever shall the landlord hide or keep back any portion of the

---

\*The maxim is "Bi onile ba wipe ki a jẹ ẹ tan, alejo a wipe ki a jẹ ẹ ku." i. e. "When the host says 'Empty the dish' to the guest, it means 'Let some fragment remain.'"



property of the deceased stranger. Should he do so and should he be detected he is liable to a heavy fine with the immediate refund of the portion misappropriated. He may be kept under restraint pending the recovery of the goods.

(b) It is repugnant to native customs to give presents in odd quantity. Only even numbers are appreciated. For instance: A present of two kola nuts is more appreciated than that of three. To give one quantity as a present is a mark of dishonour to the person to whom the present is made. It is only in the worship of Devil Eleggbara that an odd quantity is permissible.

### Salutation

It is impolite to meet and pass any one unsaluted. It matters not whether the man or woman met is an acquaintance or a stranger. Introduction before salutation is foreign to the native custom.

The maxim is: the younger or an ordinary man shall first salute and fall down or bend low before the older or the chief.

1. No one is allowed in native law to call his father by name. He is not even allowed to call any one by name who bears the same name as his father.

(a) For instance: B's father's name is Ajayi. B also has a child whose name is Ajayi. B is forbidden in law to call his child by name. He may give him another name or call him "Oloruko Baba" (i.e., "Father's namesake") or "Baba" (father).

(b) The mother of such a child is strictly forbidden to call her child by name, because it is the name of her husband's father.

(c) No inmate of the house nor any younger member of the family may call that child by its proper name Ajayi.

(d) Ajayi is a name given to a child according to the circumstances on its birth. Such other names are Oke, Ige, Aina, Salako, Ake, Ilori, etc.

2 A child, however young, is quite free to call its own mother by name, but in no circumstances shall the grandmother be called by her name.

3 When a man becomes a chief or an office bearer in a society, he must be known and called by his title. He is quite free to dishonour or disgrace or assault any one who attempts or ventures to dishonour him by calling him by his real name. He may also prosecute the offender for treating him with indignity.







RETURN TO the circulation desk of any  
University of California Library  
or to the

NORTHERN REGIONAL LIBRARY FACILITY  
Bldg. 400, Richmond Field Station  
University of California  
Richmond, CA 94804-4698

---

ALL BOOKS MAY BE RECALLED AFTER 7 DAYS  
2-month loans may be renewed by calling  
(415) 642-6753  
1-year loans may be recharged by bringing books  
to NRLF  
Renewals and recharges may be made 4 days  
prior to due date

---

DUE AS STAMPED BELOW

---

JUL 17 1992

---

Returned by

---

SEP 18 1991

---

Santa Cruz Jitsov

---

---

---

---

---

---

---

---

---

---

GENERAL LIBRARY - U.C. BERKELEY



8000361122



